The Court:

Q. Where was that resolution introduced?

A. That resolution was introduced at Reading, Reading, Pennsylvania.

Q. On what occasion?

A. At the convention of the American Legion, Depart- [fol. 1148] ment of Pennsylvania. On December 9, 1940, I wrote to the Attorney General of Pennsylvania asking that he initiate action against those who were carrying on propaganda on behalf of the program of the Communist Party, violating our State Sedition Law. On May 10, 1941, I wrote to the Attorney General of the United States, asking that he take action in prosecuting the Communists for what they were doing in this country——

Mr. Nelson: Well, your Honor, is this proper now? I would like to know whether this man——

The Court: He is abbreviating it, limiting it to tell you in answer to your——

Mr. Nelson: I would like to know what it is.

The Court: It is right to answer what you have raised and it's within his rights, I think, to do so.

Mr. Nelson: Well, I object to it.

Objection overruled.

Exception noted.

A. (continued): In 1941 I introduced a resolution against [fol. 1149] the Communist Party at the convention of the American Legion in Altoona. Then in 1945, while I was overseas, I was made President of a Board known as the United States Soviet Board for Forcible Repatriation of Soviet Citizens, and there I had contact with the Communists and observed what they were attempting to do——

Mr. Nelson: Well, your Honor, what is this now, I would like to know? You can see, your Honor, this man is taking advantage of this court room to put over his——

The Court:

Q. Well, in that position what did you do——

Mr. Nelson: ——his advertisement here——

Mr. Lewis: I object to these objections which end up in a speech.

The Court: The objection is overruled, but just tell us what you did in that capacity, not what you observed but what you did.

A. In that capacity I took official action against the international Communists who were attempting to terrorize the [fol. 1150] citizens of Austria and Germany and

Mr. Nelson: I object to that. What's this got to do with it?

The Court: You took official action against them. All right. Can we just limit it to that?

A. Well, I am merely replying to his statement that I was a "Johnny come lately"——

The Court: No, no——

A. (continued): For 25 years I have been fighting with every effort at my control the Communist Party, nationally and internationally and what they both stand for, and I took official action there in Europe against the Communist Party which, as I say, was engaged in the same kind of work which I have maintained they are trying to perform here in the United States. Then, of course, I came back in 1948, and I think it is very clear what has happened since then in my fight against Communism.

Mr. Lewis: Cross examine.

Mr. Nelson: Could I have about five minutes?

[fol. 1151] The Court: Yes, sir. We granted the other side five minutes, we will grant you the same consideration.

Recess.

After Recess

Michael A. Musmanno, resumed his testimony as follows:

Recross-examination.

Mr. Nelson:

Q. Now, Mr. Musmanno, you had Mr. Lewis read this article which you say is a speech that you made at the University of Rome in April 1925, and you—your claim is

that this was preserved by a student, fellow student, to you; is that right?

A. It isn't a claim, it's a fact.

Q. All right. Where did you make this speech?

A. Right in the University, in the hall in which I taught English to the students of the University.

Q. How many students were present?

A. At that time, that day, there were about 50 or 75.

Q. 50 or 75——

[fol. 1152] A. Then when I came back——

Q. Just a moment. You have answered the question.

A. All right.

Q. 50 or 75. And out of the 50 or 75 students that were present, there wasn't a single one of those students who may have had Fascist leanings and may have reported this speech to the Fascist police, was there?

A. They did report it. They created an uproar. I was condemned. I was subjected almost to physical violence, and for a while——

Q. What record is there of that?

A. What's that?

Q. What record is there of that anywhere?

A. Well, the records of the University.

Q. I see. Did it become a matter of public knowledge anywhere?

A. Well, it was certainly a matter of public knowledge there in that University and these students.

Q. You say that you faced a physical attack upon you as a result of this letter?

A. Well, they were——

Q. Of this speech?

A. —they were young men and quite exuberant and some came toward me quite indignant that I would have criticized their leader; there were others, however, who were quite nice about it——

Q. I see——

A. (continued): —and argued that after all I was an American and I had the right to express my views, and I wasn't attempting to enforce my views upon them——

[fol. 1153] Q. I see. All right.

A. I only stated what I thought I should as an American:

I gave my observations. Some of them were very, very nice about it, even though they disagreed with me.

Q. I see. Now, in that speech there you criticized the Fascist regime, but, Mr. Musmanno, is it true or not true that in the letter that you wrote to the United States which appeared in the Pittsburgh Press on February 20, 1926, almost a year later, how does it come that you had to write a letter in defense of the Fascist regime?

A. I didn't defend the Fascist regime——

Q. Wait a minute, now, let me quote your own words. You said—excuse me—"What he did accept was the full moral and historical and political responsibility for the Revolution in 1922, which had nothing to do with the Checka but was simply a turning out without bloodshed of the old government and installing of the new." Does this statement here infer that you were critical of the Fascist regime, or isn't it true that if anyone read this letter as it is that they would get a clear impression that you were defending the Fascist regime?

A. No, no. They would get a clear impression I was attacking the Bolshevists who had captured 2000 towns, flew the Red flag——

Q. I know you are always raising the Red flag and fighting Bolshevism——

Mr. Lewis: Now, I object to this.

[fol. 1154] Q. (Continued:) —like Hitler did, but take it easy on that and answer my question.

A. I'm not taking it easy. I'm telling you I was attacking Bolsheviks in 1926 and I have attacked them ever since down through the years.

Q. All right, we will stipulate that. As far as that goes, you have always fought against Communism, but you raised it as an issue in the election campaign every time it was convenient for you?

A. Well, I wasn't a candidate in many of these years; I wasn't a candidate in 1940; I wasn't a candidate in many of these years in which I made these speeches and introduced resolutions against Communism.

Q. How did Mussolini come to power? Was he elected?

Mr. Lewis: This is objected to——

A. He was invited by the King of Italy to come to Rome and establish a government, and he did.

Mr. Nelson:

Q. He did?

A. That's right.

Q. Legally and legitimately?

A. Well, the King of Italy was the sovereign power. He was a member of the Chamber of Deputies and he was asked to form a government, and the first government that he formed was not all Fascisti, it was a Coalition Govern- [fol. 1155] ment, it contained members of the National Party, the Liberal Party, a number of Parties were involved. To that extent it was——

Q. As he continued in power *be* done away with the opposition Parties and became a Dictator?

A. That's right; that's what I was inveighing against in my speech.

Q. And in this statement here, Mr. Musmanno, in this letter to the Pittsburgh Press you find no criticism of the Fascist methods wherein—where at times they went and poured castor oil down the throats of their opponents——

Mr. Lewis: I don't see——

Q. (Continued:) You do find reason, don't you, to defend them instead of criticizing that particular regime in this letter which we know was published? We don't know at all, isn't it true, Mr. Musmanno, that this letter was published until you became an official of the Angot Government in Italy and only after that this——.

A. All you say is one deliberate falsehood from the first sentence to the last. Now——

Q. Well, of course, you——

A. Well, you are putting a question and you are putting it in the form of a long speech, so therefore I have to reply. Now, I could not possibly, in a letter to the paper, take up the entire history of the Fascist phase of Italy. I was replying to one misstatement, historical misstatement, and as an [fol. 1156] honest person I felt that I was in order to show that that was a mistake. And then——

Q. It was important for you, do I understand, Mr. Musmanno, it was important for you to defend the Fascist regime that it was absolutely ethical in its police administration and so forth?

A. No——

Q. That's what this letter shows, doesn't it?

A. The purpose of that letter was to show how Communism was attempting to destroy Italy——

Q. Yes, I know——

A. —and how these young men who came back from World War I, who were our allies and I fought side by side with some of them, figuratively speaking, because I was in World War I too, therefore I was praising these young men who at the risk of their lives fought these Bolshevist invaders, insurrectionists, incendiaries, and in many instances killers and murderers, so I came to their defense in this letter——

Q. I see——

A. —because of this XYZ who did not have the courage to give his name, because of misstatements made in that letter.

Q. Now, one more thing, Mr. Musmanno: Isn't it rather interesting that in the speech that saw the light for the first time in 1944, which you say you made in 1925——

A. Well, that's not true. It didn't see the light in 1944; it saw the light in 1925.

[fol. 1157] Q. That's when it was published, let's say it was published——

A. It could have been published.

Q. Well, you hadn't stated that before. You said it was preserved on old yellow paper, and so forth. Didn't you say that?

A. I didn't say it was not published. I don't happen to have it. All I know is that this man took it to the paper and it was printed in 1944 when I was there and I got a copy of it.

Q. I see. Isn't it interesting that in this letter, this speech that you made in Rome before you wrote the letter to the Pittsburgh Press, you speak of the Fascists gushing fountain of blood, that Mussolini and his system has caused a gushing fountain of blood, but you don't say that here, Mr. Musmanno.

A. No, no——

Q. In this letter you say that they were heroes——

Mr. Lewis: I object to——

A. But I didn't say that, Mr. Nelson. You aren't reading it correctly. I said that in the event that Mussolini would take the country into war. I wasn't talking about the Fascists——

Mr. Nelson:

Q. Yes, you predicted that Fascism would lead to war, I understood you.

A. But it was very obvious that he——

Q. As a matter of fact, the Fascists were already in war, [fol. 1158] isn't that true, in 1944?

A. It isn't true; that isn't true——

Q. That's when you conjured this thing up?

A. No, you are absolutely——

Q. And you had planned it, didn't you?

Mr. Lewis: I object to that question——

A. You are stating an absolute falsehood.

Mr. Nelson:

Q. And you knew you had to cover this up?

The Court: This is highly argumentative——

A. You are stating a falsehood from one sentence to the next. I won't use stronger language, which could well apply to you, Mr. Nelson.

Mr. Nelson:

Q. All right. Very interesting. The letter comes to light——

The Court: That is all argumentative, Mr. Nelson. You can argue that to your heart's content to the jury, but don't argue with the witness on it.

[fol. 1159] Mr. Nelson:

Q. Well, now, you stated here that you had advocated these various resolutions at these conventions of the American Legion, I'm not going to go through the dates,

and did you at any time introduce a Bill in the State Legislature to outlaw the Fascists in this country, the Nazi Bund or the Ku Klux Klan?

Mr. Lewis: This is objected to as being incompetent, irrelevant and immaterial.

The Court: Well, that's——

A. You asked that question and I answered it before.

The Court: That's repetitious.

Mr. Nelson: Well, the man says he goes to conventions of the American Legion and passes resolutions against the Ku Klux Klan.

Mr. Nelson:

Q. My question is why didn't you have a resolution introduced, or a Bill in the Legislature—you had ample contact with Legislators,—the Ku Klux Klan was committing violence in this country, the Nazis and the Fascists you knew were going to be our enemies, as it turned out to be, but you never saw fit to introduce a Bill to outlaw them, did you?

Mr. Lewis: Object to this speech and make a motion to [fol. 1160] strike——

The Court: Objection overruled.

A. The Ku Klux Klan were not organized. It didn't have a Charter as the Communist Party has. So, any Legislation to do what was already done would be supererogatory.

Mr. Nelson:

Q. Well, what about outlawing the illegal activities, attacking people and then permitted to go free without trial——

A. Who?

Q. The Ku Klux Klaners throughout this country. You know, don't you, Mr. Musmanno, that 7000 people have been lynched in this country, burned at the stake——

A. No——

Q. (Continued:) —and the Ku Klux Klan was the one that did it?

A. I'll——

Q. You always speak about being against violence——

A. Well, I am.

Q. Why didn't you do something about those people that you could do something about right here?

A. I did, to the extent that I could. After all, I'm not the whole Government, Mr. Nelson; I'm only one individual.

Q. I understand that, but you saw to it when you had a chance to get an anti-Communist Bill passed, didn't you?

[fol. 1161] A. Because I was fighting Communism——

Q. Sure you were——

A. (Continued:) —and I regarded it as a danger and a threat to our liberty.

Q. And you were also fighting against democracy, Mr. Musmanno?

A. No, I wasn't fighting against democracy. How can you say that?

Q. By attempting to shut me up, by burning these books, by not allowing people to think what they want and do what they want, so long as they do things for the good of the country, that's what you are trying to do?

A. Well, but you are attempting to overthrow the Government by force and violence——

Q. That's your contention——

A. —and to establish a Soviet Government supported by the Red Army, and Mr. Foster said that who is your National Chairman, that he——

Q. Now, Mr. Musmanno, don't try to crawl out from the question I put to you——

Mr. Lewis: I object to all this.

The Court: Yes——

Mr. Nelson:

Q. I asked you what you did about the Ku Klux Klan, the Nazi Bund and the Italian Fascists?

The Court: He said he didn't do anything. Beyond that [fol. 1162] you can argue that——

Mr. Nelson:

Q. All right. Is that what you said?

A. No, I said that the Ku Klux Klan was not an organi-

zation with a Charter, and what they did was against the laws of the country and they could be punished for assault and battery, for murder, for arson——

Q. Couldn't that be done to me too if I did that, or anybody else?

A. Yes, and——

Q. All right——

A. Yes.

Q. Why are you so concerned about outlawing the Communists but you are not concerned with attacking the people that are doing so much harm to our country as, for example, the Nazis have done, and the Italian Fascists, when they declared a war on this country?

A. I—I offered my life on the battlefield against the Nazis, against the Fascisti, I went to war and was wounded twice on the battlefield and shed my blood. That's how much I attempted to do to fight the Nazis and the Fascisti.

Q. All right, and that's how you are going to get around the question I asked——

Mr. Lewis: Now I object——

The Court: No, no, he has answered the question. He [fol. 1163] said there was Legislation on the books concerning that. He didn't do anything personally advocating other Legislation on it. As I understand, he answered——

Mr. Nelson:

Q. You feel that there was ample Legislation to take care of those matters, is that right?

A. We—you are being prosecuted under the Sedition Law——

Q. I'm not saying anything about myself now——

A. —which says that you cannot have, sell, possess, circulate and distribute literature which urges violence and revolution against the Government of the United States. That's what you are being tried for and that's the reason——

Mr. Nelson: Your Honor, I object to that.

The Court: The objection is sustained. It's the prerogative of the Court to tell the jury what he is being tried for, Judge Musmanno, and we will do so.

Mr. Nelson: That's all, your Honor.

[fol. 1164] Paul Crouch, a witness called on behalf of the Commonwealth, having been duly sworn, testified as follows:

Direct examination.

Mr. Cercone:

Q. What is your name, sir?

A. My name is Paul Crouch.

Q. Where is your residence?

A. My present residence is Washington, D. C.

Q. All right, Mr. Crouch, where were you born?

A. I was born in the village of Moravian Falls, Wilkes County, North Carolina.

Q. And what was your father's occupation?

A. My father was a Baptist Minister, rural school teacher and farmer.

Q. What was the general extent of your public education, Mr. Crouch?

A. Grammar school, high school, University extension and correspondence courses from five or six different colleges and universities over a period of many years; studied journalism, languages, Russian, Spanish, French, some study of law.

Q. Do you have a teacher's certificate?

A. I was given a teacher's certificate by the State of Florida. I don't know whether it's still in effect or not.

Q. Mr. Crouch, will you state briefly your major jobs prior to 1925?

[fol. 1165] A. After leaving high school I worked at the Reest Cotton Mills in Winston Salem, North Carolina, for a few months; for about a year at the Brown & Williamson Tobacco Company; then I went into the field of journalism; associate editor of a monthly humorous magazine called The Fool Killer at Boomer, North Carolina; 19—that was in 1922 and early '23; in 1923 I went to Statesville, North Carolina, on the editorial staff of the Statesville Sentinel, a morning daily, and became managing editor; after that I worked as a printer on another paper for a brief period, and entered the United States—and served in the United

States Army. Those were my major occupations prior to 1925.

Q. Are you now employed, Mr. Crouch?

A. I am.

Q. By whom?

A. I'm employed by the Immigration and Naturalization Service of the Department of Justice.

Q. Where are you working now?

A. At Washington, D. C.

Q. And who was your last employer before you were employed by the Department of Justice?

A. My last employer, so far as payroll is concerned, was the State of California. I was employed as special investigator for the California Senate Fact Finding Committee on Un-American Activities, 1950.

Q. Mr. Crouch, have you ever been a member of the Communist Party?

A. I was.

[fol. 1166] Q. Will you explain briefly what the circumstances were under which you became interested in the Communist Party?

A. I had been a member of the Young People's Socialist League prior to the organization of the Communist Party in 1919. I began the study of Socialist literature around the age of ten; around the age of twelve I was studying more the writings of Marx and Engels and Beeble and other leaders of the Socialist movement. And from the time that the Communist Party was organized in 1919 I was acquainted with members of the Underground Communist Party, first formed as—first two Parties, the Communist and the Communist Labor Parties, then they were merged into the United Communist Party. I was acquainted with members of these Parties which became one Party, the United Communist Party, from the time of its organization in 1919, received their literature, studied their literature, agreed with part of it but it would take me a long time to accept their programs so far as the means of achieving power were concerned; and I did not finally reach the conclusion I should join the Party until 1925 —

Q. Just a minute. I think you are going too fast. Now, when did you join the Communist Party?

A. 1925.

Q. When did you leave the Party?

A. Early in 1942.

Q. So that is, roughly, a period of 17 years?

A. Correct.

[fol. 1167] Q. Now, during that 17-year period, Mr. Crouch, what positions did you hold in the Communist Party, and give the dates?

A. I held full time positions over a period of 15 years, from 1927 until 1942. The major positions—I mention the major positions only—from 1927 to 1930 I was the head of the Joint Department of the Communist Party and the Young Communists League for work in the armed forces, and thereafter a consultant to this department. I was a member of the Communist Party's Youth Organization Auxiliary, the Young Communists League, a member of its National Committee from about 1926 until 1930. From May 1927 until 1930 I was National Educational Director of the Young Communists League and editor of its official publication, The Young Worker. In 1927 and 1928 I served on the editorial staff of the Daily Worker, official organ of the Communist Party. In—from November 1928 until some time in the early '30's I was a member of the National Executive Committee of the Communist organization known as the International Labor Defense. In the—from December of 1927 until some time in April 1928 I was a representative of the Communist Party, the Young Communists League, the Joint Department for work in the armed forces of both organizations, to several bodies of the Soviet Union, to the meeting of the Executive Committee of the Communist International in Moscow in January 1928, the Executive——

Q. You say that took place in Moscow?

A. In Moscow, in January 1928; and the meeting of the Executive Committee of the Young Communists Inter-[fol. 1168]national, also in Moscow in February 1928; a delegate to the Red—to the World Congress of the Red International of Trade Unions in March 1928. Through late January, February and March, I served on a Commission of the Communist International, and the Young Communist International, a Commission of five members,

for preparing known as the anti-Militarists as the International Anti-Militarist Commission, to draw up a program on work in the armed forces throughout the world. I was a representative of the American Communist Party and its allied organizations, in meeting with general staff officers of the Red Army in Moscow. I was a representative of the Young Communists International to the Red Army of the Soviet Union on its 10th anniversary in February of 1928, and there was made an honorary regimental commander of the Red Army. In 1932 I was Communist Party organizer for Eastern Virginia, for the Norfolk, Virginia, area. From about April 1933 until June 1934 I was Communist Party organizer for the State of Utah. In June 1934, until about the end of 1937 I was District Organizer of the Communist Party for the Carolina District, that is North and South Carolina. From the Spring of 1938 until September of 1939 I was editor of The New South, the official organ of the Communist Party through all the Southern States, and at the same time a member of the Alabama, Georgia, Mississippi District Bureau and Chairman of the Control Commission, of the Communist Party of that district. From September of 19 September 1939 until April 1941 I was District Organizer of the [fol. 1169] Communist Party for Tennessee. From May 1, 1941 until about the 1st of January, or the first week of January 1942, I was Alameda County, California, organizer of the Communist Party until succeeded by Steve Nelson in January of 1942. I was a member at the same time, that is from May 1, 1941 until January 1942, of the District Bureau of the Communist Party for the District of California, Hawaii and Nevada, also known as District 13. In 1929—then I was a delegate to the following conventions, National Conventions of the Communist Party: In March 1929, in New York City; in April, 1934, in Cleveland, Ohio; in June 1936, in New York City; in May 1938, in New York City, the end of May '38; in the Summer of 1940 in New York City; and a special National Convention of the Communist Party in November of 1940. I also served on several commissions of the Central Committee of the Communist Party, including the Negro Commission, and the Trade Union Commission, the National Textile Fraction of the

Communist Party. These are the major positions, in addition to scores of other positions at the same time. One important position I should mention is that in 1928, in addition to my other duties, and early in 1929 I was National Secretary of the Anti-Imperialist League in the United States.

Q. Mr. Crouch, you spoke of having been succeeded as District Organizer of Alameda County, California, in January 1942, by Steve Nelson. Is that Steve Nelson in the court room this morning?

A. Steve Nelson is in the court room this morning, the man in the gray suit at the table opposite you.

[fol. 1170] Q. This defendant, across the table from me (indicating)?

A. Yes.

Q. Now, you left the Party in January 1942. What have you done since?

A. I worked—from 1942 until 1945 I worked in Defense industries at the Boyle Plant of the United States Steel Products Company, that's a subsidiary of U. S. Steel; and at the same time I served as Chairman of the Board of Trustees of Local 1798 of the Steel Workers of the CIO; a representative of the Steel Workers in Alameda County to the Alameda County CIO Industrial Union Council. In 1945 I moved to Brownsville, Texas; worked in 1945 and 1946 for Pan-American World Airways; at the same time I was elected secretary of Local 503 of the Transport Workers Union, representing the employees there, and was a delegate of that Union to its National Convention in New York in 1946; and in 1946 I was State Vice President of the CIO of Texas. In 1947, early in 1947, I moved to Florida where I was editor of the official publication of the CIO for the State of Florida, The Union Record, an official newspaper; also State Publicity Director and Public Relations Director of the CIO for Florida, holding that position until the end of the year, and early the next year I worked briefly as editor of a weekly newspaper, The Dade County News; later worked for the Miami Herald, Miami Daily News. And then in 1949, testified in May of 1949 [fol. 1171] 1949 before the Senate—before the United States Senate Committee, before the House Committee on Un-

American Activities. In the Fall of 1949 I was subpoenaed as a witness to California at the trial of Harry Bridges, which took up considerable time. And in January 1950 I was employed as special investigator for the California Senate Fact Finding Committee on Un-American Activities, for the first five months of the year 1950. And then in this—in this year for the first few months I was unable to work because of the critical illness of my son in the hospital until his death in March. Then in the Summer of this year I began working for the Department of Justice——

Q. Last year?

A. Of this year—of 1951.

Q. Yes, we're in 1952 now——

A. Yes, I mean last year.

Mr. Nelson: Your Honor, may I just raise one question—not pertaining to this. I overlooked what I think was the proper time to make a motion regarding the testimony of Judge Musmanno.

The Court: Well, we are going to——

Mr. Nelson: I want to make a motion to strike his testi- [fol. 1172] mony because he admitted on the stand he never saw me until he filed the Information against me; therefore his testimony was hearsay and not based on proper evidence.

The Court: The motion is overruled.

Exception noted.

Noon recess.

[fol. 1173] Friday, January 4, 1952.

Afternoon Session

PAUL CROUCH, recalled.

Direct examination.

Mr. Cercone:

Q. At noon recess you were telling us about what you had done since you left the Communist Party in 1942. Had you completed that?

A. I don't think I touched on some of the major aspects.

In addition to what I mentioned this morning I was a witness for the government in the trial of Remington. In connection with my work for the California Committee, and my present work, I have carried on the most extensive investigation into Communist activities, both in the United States and abroad. Reading the Communist Press; its publications in this Country; its publications in foreign countries; translations of the major articles of Prayda; translations of radio broadcasts from Moscow, Bucharest, Budapest, Prague, Peking, and the North Korean capital, and other places in the Communist world.

Q. That is in connection with your duties in the Department of Justice?

A. Yes.

Q. How is it you became employed with the Government of the United States?

[fol. 1174] A. Well, I applied for a position last summer and my application was accepted.

Q. Did you have any interviews with anyone?

A. Yes, with Mr. Payton Ford, Deputy Attorney General of the United States.

Q. Just briefly, Mr. Crouch, do you know the structure of the Communist Party? Just give it to us briefly?

A. The structure of the Communist Party has based its foundation on what is called the "unit," also known as a branch club nucleus. These units may be anywhere from three members to several dozen, according to circumstances. These units are organized either on a territorial basis, where the people live, or the basis of their occupation; the factories in which they work or the positions that they hold. These units, or branches; or clubs are formed into sections of two; maybe a dozen or more units in one section, and sections may be on a territorial basis, according to where the people live, or that also may be on an occupational basis, or on the basis of strategic bases in which the members are based. The sections in turn form, as a rule, county organizations, with a county organize and a county committee, and the counties make up the state or district. A district may be composed of one, or more than one state. For example, Tennessee was a district; and in other cases there may be several states grouped together as, for example, California,

Nevada and Hawaii were grouped together to form District 13 with central headquarters in San Francisco.

[fol. 1175] When I joined the Communist Party the country of the United States was divided in 13 districts. When I left the Communist Party there were approximately 30 districts in the Country. Each of the districts have—I should say sections, the counties also have committees and organizers at the head of these respective organizations. In the district there is a district organizer at the head, a district committee, a small executive body, as a rule, known as a District Bureau, composed of the leading members of the district committee, living near the district headquarters and able to meet as frequently as once a week. These districts——

Q. Well rather than the functions now, give us the structure of the Party, the skeleton structure, just the different levels.

A. The districts then make up the National organization with a central committee and officials of the Party, and the American Communist Party, at the time I was a member, was one section of the world organization of the Communist International with its headquarters in Moscow.

Q. So, the top headquarters are in Moscow?

A. Yes, sir.

Q. And in the United States, the top level organization was the National Board, is that right?

A. It was known generally as the Central Committee, or National Committee, during the time of my membership, later the name was changed to the National Board.

[fol. 1176] Mr. Nelson: This is objected to, I want to raise an objection. I understood that the Communist Party wasn't going to be on trial in this case. I permitted this witness to go on without objection to see if Mr. Cercone would stop this line of examination, and he hasn't. I believe that to permit him to continue on this line would be wrong. I urge the Court to stop him. I move him to be stopped on this line.

The Court: I think the outline of the organization of the Party is involved here, Mr. Nelson. This jury was instructed originally to ask questions concerning membership in the Party. They were told that membership in the Party

alone, was not sufficient to convict you, or any other person, but I think it is an ingredient here that is proper evidence, but the jury is instructed again and will be instructed in the charge that membership in the Communist Party is not sufficient to sustain this indictment. The Communist Party is not being tried. However, insofar as this is concerned, the purposes of which you are associated with the various [fol. 1177] exhibits, membership and participation in the work of the Communist Party may play a part. I can't exclude it from the record. I will overrule your objection and grant you an exception.

Mr. Nelson: May we approach the bench, your Honor?

The Court: Very well gentlemen, come up.

(At side bar.)

Mr. Nelson: I came to side bar for this reason. He testified here a few minutes ago that he testified previously in a trial of Remington. The Remington case, I believe, was a commission under the heading of a spy case, or some such case. I don't know which one—I think there were two trials of this man. I don't know which one he refers to. I believe on the basis of that line, the proper thing would be to withdraw a juror and order a mistrial. This is highly prejudicial and it carries the connotation that I am a spy, and those remarks made by Mr. Cercone in his opening, addressed to [fol. 1178] the jury, and they were not stricken then. Repetition of those ideas builds up and begins to mount and has a highly prejudicial effect on my case, and I urge the Court to consider that and grant me my motion.

The Court: The motion is refused and an exception is noted.

Mr. Nelson: What is your position on this matter, if the Court please? Has he got a right to refer to such trials as that?

The Court: He should not go into any elaboration of any participation on any other trial.

Mr. Cercone: We are just qualifying him on his qualifications as an expert witness. He was called as an expert witness, that is all.

The Court: Now that we are here, what is the offer as to his testimony?

Mr. Cercone: It is to show the attempt and course of

guilty conduct which has been judicated in cases, in recent cases.

[fol. 1179] Mr. Nelson: I have another motion, your Honor. This man has gone back into ancient history. Aren't we supposed to try the case on alleged acts committed within a two year period?

The Court: Yes, anything you may have done within two years of the date on the information. That does not preclude all evidence associated with matters of this kind prior to that time, as related to the matter of intent or purpose, as you interrogated Judge Musmanno on his motives and his intents, and prejudices and so forth. I would grant the District Attorney some leeway on matters of your prior activities. This is being done solely for the purpose of showing your intent of the use of this literature within the time of the two year period; that was the sole purpose.

Mr. Nelson: Is this witness going to be permitted to talk ancient history?

The Court: No, generally as to the structure of this Party, and he may testify, as he did identify you as successor to him in Alameda, California in the capacity which he stated, and he will be permitted to testify as to you personally, as to certain activities you may have been alleged to have participated in.

[fol. 1180]

Mr. Nelson: I know this man's testimony. He testified at the last trial.

The Court: I don't know. I didn't review this evidence. I haven't any knowledge of that.

Mr. Nelson: I know that he will go into side questions unless the Court keeps him to it—what he did there and what I did.

The Court: You qualify him as to the basis of giving a picture of the Communist organization, and beyond that any connection Mr. Nelson had with the Communist organization.

Mr. Cercone: It will become apparent that the activities and concerting venture of one member will be imputed to the other.

Mr. Nelson: Am I going to be tried with the association [fol. 1181] of other people in another organization?

The Court: You are not responsible for the activities of

certain associations, but you are if you participated in an organization that had a purpose you are responsible for, or your actions which you can be held to have subscribed.

(End side bar.)

Mr. Cercone:

Q. And will you explain to us what the structure is in the United States, so far as the head of the organization is concerned?

A. The Party in the United States had a secretary, general secretary, or executive secretary, or secretariat at the head. The Central Committee, also known from time to time as the National Committee, and National Board, and with a small resident body; in or near its headquarters—first in Chicago and later in New York, known as the Political Bureau and frequently referred to as the "Polit Buro" for short. The term we generally used in the body in reference to this small executive body of the Central or National Committee, that met weekly and usually——

The Witness: Strike that.

A. (Continuing:) And there was also representatives sent from time to time to this Country by the Communist [fol. 1182] International in Moscow who had authority over this Central Committee, and over the Secretary, and other officials, and when they spoke in the name of the Communist International, their wishes had to be carried out.

Mr. Nelson: I object to this, your Honor.

The Court: You object to the remark that "orders had to be carried out," is that what you mean?

Mr. Nelson: That is right, your Honor.

The Court: I suppose that is another way of stating that they had authority over the Secretariat and Central Committee of the United States group. Objection overruled and exception noted.

Mr. Cercone:

Q. Did you, yourself, meet some of these representatives from Moscow?

A. Yes.

Q. Who were some of them?

A. One was Assonov from the Soviet Union, Moscow; one was Harry Politt from England; the present General Secretary of the Communist Party of Great Britain; William Rust, from England, the present editor of the Daily Worker of England.

[fol. 1183] Mr. Cercone:

Q. Not all of them, just a few.

A. Dengel from Germany; Mikhailov from Russia; those were some.

Q. Now Mr. Crouch, you stated that you attended the special National Convention held in 1940 in New York City. Who else attended that Convention?

A. Oh, just the members of the Central Committee; the district organizers; the editors of the Party press; additional elected delegates from the districts.

Q. How would you classify that group of people?

A. The National leadership of the Party.

Q. In other words, the National leaders of the Communist Party attended that convention?

A. Yes.

Q. Who were some of those members?

A. Some of those members were Earl Browder, Jack Stachel, A. Blake alias William Weiner, J. Peters, Max Bedacht, Steve Nelson, myself, Paul Crouch, Rob. F. Hall, William Schneiderman, John Williamson, and Gilbert Green; those are some of the major ones.

Q. Is that the Steve Nelson that is the defendant in this case?

A. Yes, sir.

Q. How long did that convention last?

A. Two or three days. I don't remember the exact duration.

Q. While you were present was the purpose of the convention explained to you?

A. It was.

[fol. 1184] Q. By whom?

A. By Earl Browder.

Q. Who was Earl Browder?

A. He was the General Secretary of the Communist Party.

Q. Was Steve Nelson present?

A. Yes.

Q. And what was the explanation of Mr. Browder?

A. Mr. Browder's explanation was that the— that an act called "Voorheis Bill" had been passed by Congress, and if the Party continued its open affiliation with the Communist International it would require the Party to register as a foreign agent; that to prevent this and protect the legality of the Party it was necessary for the Party to take the formal action of formally voting a resolution of this affiliation from the Communist International, with the understanding that our real relationships would remain the same as in the past; that formal relationships had been necessary in the early days of the Party, but were no longer necessary.

Q. Is that the Resolution that was purely passed to circumvent the requirements of the Act of Congress?

A. Correct.

Q. Now, you also stated that you were a member of the District Bureau of the Communist Party for California, Nevada and Hawaii; is that right?

A. Yes.

Q. When was that?

[fol. 1185] A. That was from May 1st, 1941 until the first week of January, 1942.

Q. How did you become a member of that District?

A. I was assigned to go to California by the Central Committee of the Party, to go as organizer for Alameda County, as a member of the Bureau, and I was formally coopted by the Bureau on my arrival. The word "coopted" meaning, a term in the Communist Party by which the Committee, by its own vote, adds new members to it.

Q. Now, were there other members on the District Bureau, that is California, Nevada and Hawaii?

A. Yes.

Q. Who were they?

A. They were William Schneiderman, Rudy Lambert, Walter Lambert, Louise Todd, Steve Nelson, Elita O'Connor Yates, and myself.

Q. Is this the Steve Nelson, the defendant here?

A. Yes.

Q. Having been a member of that District Bureau, do you know what the function and purpose of that district were?

A. Yes.

Q. How do you know?

A. First of all, I was familiar with the purposes of that district, its activities, since the late 20's by virtue of my national position in that Party. I become more closely familiar after May 1st, after serving on the District Bureau as a part of the district leadership, of attending meetings [fol. 1186] every week of the District Bureau, held each Wednesday, and the full meetings of the District Committee held from time to time.

Q. Now, where would you meet?

A. Prior to June the 22nd, from the time of my arrival from May 1st until June 2nd, the District Bureau met at a private residence, second floor, in a large living room, covering the entire second floor, of a home, and I don't know the address—I was always taken there by other people—after June 22nd, until as long as I remained with the Bureau we met in Schneiderman's office; Height Street, San Francisco, the district headquarters of the Party.

Q. And was Steve Nelson in attendance there?

A. He was in attendance, both prior to and after. I don't recall any District Bureau meeting where he was absent.

Q. You don't recall any Bureau District meeting where he was absent?

A. Yes.

Q. Now, what was the function of the Bureau?

A. The functions of the Bureau were to receive the directions of the Central Committee of the Party; to study and analyze those directives as applied to California, Nevada and Hawaii; to carry out these directives and the Party line as we had all learned it from the study of Marxist, Leninist, Stalinist literature; to formulate policies and activities that would advance the Communist organization and would work toward realization of its aims through activities in that district.

[fol. 1187] Q. What were the nature of the directives, specifically?

A. These directives were voluminous and varied, and in

general they fell into two distinct categories. One, the directives we receievd prior to June 22nd, and two, those we received after June 22nd. The ones received before June 22nd——

Q. What year, now?

A. 1941. The directives we received prior to June 22nd——

Q. Other than that, in what phases of the community life or economic life of California, Nevada and Hawaii did you work in?

A. Every phase without exception. I can't think of any phase of California life, or activities in Hawaii——

Q. Did any of them have to do with the military?

A. Many did.

Mr. Nelson: Objected to, your Honor.

The Court: Objected to as leading. Don't lead your witness.

Mr. Nelson: He is trying to put words in this trained seal's mouth.

The Court: Just a moment. I sustained your objection. Rephrase your question.

Mr. Cercone:

Q. Now, continue with your testimony.

A. The activities of the Party covered the trade union [fol. 1188] fields and the C. I. O., the A. F. of L.; the Railroad brotherhoods; it included the large number of mass organizations that were under the control of the Communist Party. It included activities in and efforts to infiltrate other organizations and influence them; it included political life of the Democratic and Republican and the Socialist parties in the State; what our position should be in relation to them; what our secret members of those organizations should do; it included youth activities; cultural; work in the churches. There was no phase of life that I can think of that it didn't cover.

Q. You spoke of "Party line". What do you mean by "Party line"?

A. By "Party line," I mean the position officially taken by the Communist Party of the United States and the

world Communist movement on the major political and economic questions of a given period.

Q. Where would this Party line be received from so that you could carry out your work?

A. Well, we received this through the District organizer—we received this partly through the Party Press, more particularly through the District organizer, William Schneiderman, through his correspondence with the Central Committee, which correspondence he showed to Steve Nelson, to me, and the other members of the Buro, and to visits on rather frequent occasions, to Central Committee meetings in New York, taken by himself as District organizer and accompanied by——

Q. Very well. When you say "himself" you mean——

[fol. 1189] A. William Schneiderman, district organizer, frequently went to New York to attend the meetings of the Central Committee, accompanied by two Central Committee members in California. There were two members at that time, in 1941, who were members of the Central Committee.

Q. Who were they?

A. Steve Nelson and Oneida Whitney.

Q. Steve Nelson would go from California to New York?

A. Yes.

Q. Accompanying Mr. Schneiderman?

A. To attend meetings of the Central Committee in New York.

Q. And then he would return to California?

A. Yes.

Q. And what would he do there?

A. And then he would read the report at the District Bureau, and at full meetings, that we would call of the District Committee, for the purpose of hearing their reports on the decisions of the Central Committee and on the line of the Party.

Q. Would Steve Nelson personally do that?

A. Personally, yes.

Q. At that time did you know William Z. Foster?

A. I knew him very well. I had known Foster——

Mr. Nelson: Your Honor, I object to this line of questioning. The name "Foster" has not been brought in by this witness.

[fol. 1190] The Court: He just asked him whether he knew him and he said he did. Objection overruled.

Mr. Cercone:

Q. Will you answer the question?

The Witness: Will you read my part of the answer?

(Answer read.)

A. —for many years since 1927.

Q. And who was William Z. Foster?

A. National Chairman of the Communist Party, and member of the Polit Buro, and a member of the Executive Committee of the Communist International.

Mr. Cercone:

Q. Now, during this time you and Steve Nelson were on the District Bureau of California, Nevada and Hawaii district, did you and Steve Nelson ever discuss the infiltration policy?

Mr. Nelson: That is objected to as a leading question.

The Court: Objection sustained as to it being a leading question.

Mr. Cercone:

[fol. 1191] Q. Now, you previously said that you worked in all phases of the life, the community life and so forth, of the states of California, Nevada and Hawaii. Have you covered all those stages?

A. No. The life of Hawaii and California is extremely complex. It included the cultural and scientific activities; it included the University of California at Berkley, and U. C. L. A. University at Los Angeles, and Stanford University; it included the work among scientists and professionals; it included the building of the International Workers Order, the International Labor——

Mr. Nelson: May we approach the bench, your Honor?

The Court: Yes, come forward.

(At side bar.)

Mr. Nelson: I want to raise an objection against these questions, that were put to this witness in the last few minutes. One of those that was put, and on what he attempted, or volunteered the answer, was working with the Communist Party in the scientific work.

The Court: He said that he worked in the various fields of science.

Mr. Nelson: I don't know my legal position here. I [fol. 1192] believe it is wrong and I raise that objection because it is prejudicial.

The Court: The objection is overruled and an exception is noted. Reframe your question, so that you do not ask leading questions.

(End side bar.)

Mr. Cercone:

Q. Continue your answer.

A. Will you read my answer, please?

(Answer read.)

A. (Continuing:) The International Workers Order, and it also included as one of the major points of our activities, the circulation of Communist literature, books, papers, pamphlets, the building of circulation of the Daily Worker, the People's World; the Marxist-Leninist-Stalinist educational activities through schools that we organized and study groups that we had formed. It included the holding of memberships, of meetings of the Communist Party on county scales, on section scales, and civic conditions; on unit or branch scales for the purpose of receiving reports from me, Steve Nelson and other Party leaders in California. It included the question of strike activities in the State; when to urge to strikes; when to oppose strikes; what position to take in relation to specific strikes that went [fol. 1193] on while I was on the Bureau; what instructions to give to the Communist Party leaders who were in, some cases, directing the strikes, in some cases trying to direct the strikes, and many other phase.

Q. Did Steve Nelson have any connection with the book stores?

A. Yes.

Q. What connection?

A. First of all there was the Central Book Store in San Francisco that handled wholesale books for distribution to Alameda County, and other areas, and with a retail store for sale in San Francisco. This book store was located in San Francisco and Steve Nelson was county organizer for San Francisco County from May 1st, 1941 until January, 1942; and therefore, this came directly under his primary responsibility. Also, the general supervision of these book stores and literature was under the over-all political supervision of the District Bureau composed of Steve Nelson, myself, William Schneiderman, Rudy Lambert, Walter Lambert, Loius Todd and Elita O'Connor Yates.

Q. In all these activities that you testified to, did Steve Nelson participate in them?

A. Yes.

Q. You spoke of a school, or schools. What kind of schools did you have out there?

A. Well, we had, my personal knowledge and participation, two schools held in Alameda County, one in May and June of 1941—week-end school—for a study of methods of [fol. 4194] underground work and party activities during underground periods——

Mr. Nelson: That is objected to, your Honor. He is drawing conclusions in his testimony.

The Court: Objection overruled. Exception noted.

A. —and the second school was held at the Finnish Hall in Alameda County, about November of 1941, and many other classes, but those were the major schools with which I had occasion to be connected and remember to recall the details.

Q. Now, why did you call that the "underground school"?

A. Because that is what we called it in the District Bureau; that is what we held the school for, to study the methods and to prepare selected leaders of Alameda County to take over the leadership of the Party; to carry on Party operations if the Party should go underground.

as we thought likely due to the International situation existing at that time. Therefore, we made a thorough and exhaustive study of the Communists' position on the war, revolution, and the political tasks and the tactical and practical activities of the Communist Party during periods of underground existence.

Q. What role did you take or play in connection with the schools?

A. As a member of the District Bureau I participated in the decision to have the school.

[fol. 1195] Q. And who else participated in that decision to hold the school?

A. William Schneiderman, Steve Nelson, Eliza O'Connor Yates, Louis Todd, Rudy and Walter Lambert.

Q. Well now continue, what role, what did you decide you and Mr. Nelson, the defendant here, should do in connection with that school?

A. We decided to have the school, to hold the school in a secluded place, and decided on the farm of one Wilhemina Loughrey, located on El Toyonal Road, near Orenda.

Q. Was it a general agreement that you should find a secluded place to do that?

A. Yes, it was a decision of the Bureau.

Q. Did Nelson take part in that decision?

A. We all took part in that decision. Nelson, and I, and the other members; it was a unanimous decision. And the the major instructors at this school should be Rudy Lambert, Steve Nelson and myself, and we should be aided from time to time by Louise Todd, the organizational secretary of the District at that time.

Q. So that you and Nelson, among others, were chosen to instruct there?

A. Yes.

Q. Now, when he taught the class were you present?

A. I was.

Q. What was the class composed of?

A. The class was composed of approximately twenty, or slightly more, carefully selected students from Alameda County, the people we considered the most capable and [fol. 1196] reliable, that we could rely upon in all eventualities.

Q. Was Nelson present when you taught in the class?

A. Yes.

Q. Did you teach the object of the Party in that class?

A. Yes.

Q. Did Nelson teach the object?

A. He did.

Q. Did you teach methods of accomplishing the objects in those classes?

A. I did.

Q. Did Nelson do so?

A. He also did.

Q. Were you present when he did that?

A. I was.

Q. What were the books used in that class?

A. Major books: The Major text books that were used as text books were the "State and Revolution," "The Communist Manifesto," and a pamphlet—you would hardly call it a book—"Lenin's Letter to American Workers," and in addition we used as assigned reading to the students as material for the instructors to quote from, and as guides to our studies, the Program of the Communist International, the Struggle Against Imperialist War, and the Task of the Communists; some copies of a book, a pamphlet called, "Why Communism", by M. J. Olgen and many other problems of Leninism, Foundations of Leninism, and we used the Party papers, the Daily Worker and the People's [fol. 4197] World, and some other books.

Mr. Nelson: My object of making my objection is that they are going back apparently 12 years before this indictment, and it is going to be another case of another person who has a bunch of books, who picked them up, and they are going to be brought against me.

The Court: We already have your objection on the record on this subject, which we have overruled and have granted you an exception.

Mr. Nelson: Your Honor, if this witness is telling the truth under oath, these books have been circulated for 20 years, and he knows that.

The Court: That may be so. You may ask him that on cross examination.

Mr. Nelson: You know what the trained seal will answer, your Honor.

The Court: You may cross-examine as to his qualifications, and whether he is a paid witness, or a professional witness. You have a right to do that.

[fol. 1198] Mr. Cercone:

Q. Mr. Crouch, I show you Commonwealth's Exhibit No. 60, being a pamphlet entitled "A Letter to the American Workers," by V. I. Lenin, and ask you if that pamphlet was used in the school out in Alameda, California, out in that secret place?

A. It was.

Q. I show you Commonwealth's Exhibit No. 165, entitled "The Communist Party Manual on Organization," written by J. Peters, and ask you if this book was used in the underground school, at that secret place on the farm?

A. We quoted from it, but it was not used as a textbook.

Q. You quoted from it?

A. We quoted from it.

Q. I show you Commonwealth's Exhibit No. 164, entitled "The Struggle Against Imperialist War and the Tasks of the Communists," being a Resolution of the Sixth World Congress, and ask you if that book was used in your underground school?

A. Yes, all the students were required to read this, and it was used extensively for political analysis of the war.

Q. And did you and Steve Nelson teach from this book?

A. We did.

Q. I show you Commonwealth's Exhibit No. 166 entitled, "Why Communism, Plain Talk on Vital Problems," written by M. J. Olgen, and ask you if this book was used in the underground school on that farm?

A. We circulated this through the school. We didn't have enough copies to go around, and the students read [fol. 1199] this, and brought it back, and it was given to other students to read and bring back, and we used quotes from it.

Q. Did Steve Nelson quote from this?

A. He participated in the discussion on it.

Q. I show you Commonwealth's Exhibit No. 163 entitled,

"Program of the Communist International," and ask you if this exhibit—not this exhibit but a book like it, was used in the underground school, at that secret place on the farm?

A. It was assigned reading to the students, and Nelson and I and Lambert quoted from it.

Mr. Nelson: I object to the use of this term "underground school." It has not been established that there was such a school. Merely a statement from this witness, who knows what to say for the purpose of getting his $35.00 a day.

Mr. Cercone: I say again, your Honor——

The Court: All right. I will sustain the objection. The witness has not stated it was an underground school. The witness stated it was a school in a secluded farm, and taught underground tactics.

[fol. 1200] Mr. Cercone:

Q. How was the school referred to by the members, including Steve Nelson?

A. A school on underground work.

Q. Now, at this school on underground work I show you Commonwealth's Exhibit No. 73 entitled, "The Theory of the Proletariat Revolution," published by the International Publishing Company and ask you if this book was used in that school of underground work?

A. We quoted from it as reference material.

Q. Did Steve Nelson quote from it as reference material?

Mr. Nelson: You know what the answer should be, go ahead.

The Court: Now, Mr. Nelson, you have a right to attack him in all legitimate ways possible on cross-examination.

A. All the teachers participated——

Mr. Cercone: I might say it is to the benefit of the defendant to make things look ridiculous which, of course, are not.

The Court: Mr. Cercone, you will limit yourself to questions at this time. Side remarks are out of place.

[fol. 1201] Mr. Cercone:

Q. All right.

A. All the teachers participated in the discussion on all quotes. I don't remember what he said specifically.

Q. I show you Commonwealth's Exhibit No. 168, which is entitled "Dictatorship of the Proletariat," also published by the International Publishers Company, and ask you if this book was used out there in that school for underground work?

A. Again there were quotations from it, and to give an accurate answer it is necessary to explain the circumstances of this book, and the previous book.

Q. All right, explain.

A. These two books were in wide circulation throughout the County, in its book stores, and were already in the possession of practically all the leading members, and they were fairly familiar with them—they were among our major books, we had publicized and sold through our Party apparatus, and they were already owned by them, so it was only necessary to make such references as a specific subject called for from them, which was done from time to time.

Q. Now, I show you Commonwealth's Exhibit No. 167 entitled "Foundations of Leninism," also published by the International Publishers Company, 381 Fourth Avenue, New York. I might ask you, do you know what the International Publishers is?

A. Yes.

Q. Well, what is it?

[fol. 1202] A. International Publishers, during the time I was in the Party, was the Party's main publishing house for revolutionary literature, together with Workers' Library Publisher. It was headed by Alex Trachtenberg, a member of the Communist Party.

Q. A member of this International Publishers Company was whom?

A. Alex Trachtenberg, of the Central Committee of the Communist Party.

Q. Was this book used out there in that school on underground work?

A. Yes, it was used extensively.

Q. Did Nelson use it?

A. Yes.

Q. I show you Commonwealth's Exhibit No. 169, entitled "State and Revolution," published by the International Publishers Company, 381 Fourth Avenue, New York, and ask you if that book was used at the school on underground work?

A. Yes, it was our most important text book, and was studied chapter by chapter, and discussed by our faculty and instructors.

Q. Did that faculty, in reference to the book, include Steve Nelson, the defendant?

A. Certainly.

Q. I show you Commonwealth's Exhibit No. 58, entitled "Problems of Leninism," published by International Publishers, and ask you if this book was used out there in that school on underground work, on the secluded farm of Mrs. Loughrey?

A. Yes. It was also used along the same lines as "Foundations of Leninism."

[fol. 1203]. Q. Now, will you take this book, "Struggle Against Imperialist War, the Task of the Communists," Commonwealth's Exhibit No. 164, and I ask you to read from that book excerpts which were read by you and Nelson to the class?

The Court: Are you offering these books in evidence, first?

Mr. Cercone: I am sorry. I am going to offer the Commonwealth's Exhibits. I will offer in evidence Commonwealth's Exhibits—these are not in order so I will read them off—Exhibit No. 163, being "The Program of the Communist International"; Commonwealth's Exhibit No. 58, being "Problems of Leninism".

The Court: No. 58 is already in evidence.

Mr. Cercone: I am sorry.

The Court: Commonwealth's Exhibits Nos. 163 to 169, is what you are offering now. We started at No. 163, did we not?

Mr. Cercone: Number 169 being "State and Revolu-

tion," and No. 164 being "Struggles Against Imperialist War and Tasks of Communists"; 165 being "The Com-
[fol. 1204] munist Party Manual on Organization"; No. 167 being "Foundations of Leninism"; No. 168 being "Dictatorship of the Proletariat"; and 166 being entitled "Why Communism".

The Court: All right, enter an objection by the defendant to the offer of these books. Objection overruled and exception noted.

Mr. Cercone:

Q. Now, Mr. Crouch, will you read from that exhibit?

The Court: These books are in evidence now. To what extent are we going to limit these excerpts?

Mr. Cercone: It will be very brief, your Honor.

The Court: Very well.

Mr. Cercone:

Q. The excerpts which you taught out in that school?

A. From the excerpts, I recall we discussed most frequently there, was on page 33, paragraph 32.

The Court: Do you have a copy of that for the defendant?

Mr. Cercone: I do not believe so, Your Honor.

[fol. 1205] Mr. Nelson: Well, let me see that, what he is going to read first.

Mr. Cercone:

Q. What page is that?

A. 33.

Q. What paragraph?

A. 32. "The proletariat and Soviet Union harbors no illusions as to the possibility of a durable peace with the imperialists. The proletariat knows that the imperialist attack against the Soviet Union is inevitable; that in the process of a proletariat world revolution, wars between proletarian and bourgeois States, wars for the emancipation of the world from capitalism, will necessarily and inevitably arise."

Q. How did you and Nelson explain that as teachers?

A. We explained that a milifary conflict between the capitalist world and——

Mr. Nelson: That is objected to. I think he read the excerpts and he can't say what I said 12 years ago. I would like to know how he could remember.

Mr. Cercone: Just a minute, and we will ask him.

Mr. Cercone:

[fol. 1206] Q. Do you remember what Nelson said about that?

The Court: Just a minute, Mr. Cercone. The fundamental question is whether now, after he has read the parts from the books emphasized, whether he can now place his interpretation on it. Objection entered by the defendant and overruled, and exception noted.

Mr. Cercone:

Q. Now, keep this very brief, Mr. Crouch. We will get through it more quickly.

A. I did not finish the quote. If you will let me finish the quote.

Q. All right.

A. "Therefore, the primary duty of the proletariat, as the fighter for Socialism, is to make all the necessary political, economic and military preparations for these wars, to strengthen its Red Army—that might- weapon of the proletariat—and to train the masses of the toilers in the art of war. There is a glaring contradiction between the imperialists' policy of piling up armaments and their hypocritical talk about peace. There is no such contradiction, however, between the Soviet Government's preparations for defense and for revolutionary war and a consistent peace policy. Revolutionary war of the proletarian dictatorship is but a continuation of revolutionary peace policy 'by other means.'"

[fol. 1207] Q. Now, very briefly, how did Nelson explain that to the class?

Mr. Nelson: That is objected to.

The Court: Objection noted, overruled, and exception.

A. All of the instructors participated in giving the same explanation to the class. I cannot recall to what degree I gave it, to what degree Nelson gave it and Lambert, but we all participated in explaining this in the school. Well, our explanation was that war between the Socialist world, headed by the Soviet Union, and the Capitalist world, headed by the United States, is absolutely and irrevocably inevitable, based not alone on this paragraph, but on supporting paragraphs that we read from other documents we analyzed when discussing this quote; that war is inevitable. Therefore, it is necessary that the Party would build and protect an underground apparatus and immediately to take the necessary steps to guarantee that the F.B.I., and all the agencies of the American government, cannot crush the Communist Party, prevent it from functioning during such a war, and so that the Communist Party will be able to help bring about the military defeat of the United States, and insure the victory of the Soviet Union.

Q. I direct your attention to page 10, paragraph 8. Will you read that, please?

A. "But the overthrow of capitalism is impossible without force, without armed uprising and proletarian wars against the bourgeoisie. In the present epoch of imperialist [fol. 1208] wars and world revolution, as Lenin has stated, proletarian civil wars against the bourgeoisie, wars of the proletarian dictatorship against the bourgeoisie, wars of proletarian dictatorship against bourgeois states and against world capitalism, and national revolutionary wars of the oppressed peoples against imperialism, are inevitable and revolutionary. Therefore, the revolutionary proletariat, precisely because it is fighting for Socialism and for the abolition of war, cannot be against every war."

Q. And what was the explanation given there?

A. The explanation given there was, following a discussion on just and unjust wars, is that a war of the Soviet Union would free the rest of the world from the chains of capitalism is whenever a specific expedient is justified, it must be aided by the working class of this country under the leadership of the Communist Party, and of all countries.

Q. In connection with that read page 12, paragraph 10 then we will ask you for your explanation.

A. "The attitude in principle to a given war determines also the attitude to the question of war. The proletariat has no country until it has captured political power and has taken the means of production from the exploiters. The expression 'national defense' is nothing but a catchword, and mostly a petty-bourgeois catchword to justify war. In wars staged by the proletariat itself, or by a proletarian State against imperialism, the proletariat defends its Socialist Country. In national-revolutionary wars against [fol. 1209] imperialism, the proletariat defends its country against imperialism. But in imperialist wars the proletariat absolutely rejects 'national defense' as being defense of exploitation and treachery to the cause of Socialism."

Q. All right now, how was that explained to the class?

A. It was explained that we cannot speak of our country, as it is stated in this paragraph, the proletariat has no country until it has captured political power. We have not yet captured political power so, the United States is not our country. We have one Father country to which we owe allegiance, and that is the Soviet Union, and the Soviet Union alone.

Mr. Nelson: That is objected to.

The Court: Objection overruled, exception noted.

A. And that the term "national defense", as is used in this paragraph as a catchword, that we cannot be caught by and we must, in our agitation, destroy the illusions of the mass of people on this question and try to get the masses of people not to be loyal to the United States in a war between the Soviet Union and the United States, for example.

Mr. Nelson: That is objected to, if the Court please. He is giving something that didn't happen anywhere.

[fol. 1210] The Court: Well, he is giving his interpretation of what he says you and he and other professors taught as the meaning of this paragraph. The objection is overruled and an exception is noted.

Mr. Cercone:

Q. So that coming right down fundamentally, and practically speaking you were teaching people of the United States to be disloyal to their own government?

A. Certainly.

Mr. Nelson: That is objected to.

The Court: The objection is sustained to it as leading.

Mr. Cercone:

Q. Now, take page 19, paragraph F, and read that?

A. "Anti-militarist activity; work in the army and navy; work among the recruits and reservists and in bourgeois defense organizations, in which the proletarian element is strongly represented, must constitute an inseparable part of the general revolutionary mass activity of the Party, and must embrace the whole of the working class."

Q. All right, now, what was the explanation given on that?

A. The explanation given was that this calls for work in the armed forces, of sending Communists to join the Army and Navy, and other military units; to work within, [fol. 1211] but this is not sufficient, this must be made part of the activities of the entire working class. Therefore, the propaganda slogans in connection with the armed forces at a given moment, should be popularized among the largest masses of people.

(Recess.)

(After recess.)

(At side bar.)

Mr. Cercone: I realize that your Honor wants us to get through with this portion of the testimony. We have about six more books, from which I would like the witness to read excerpts, that are alleged in the indictment. This is to show a course of conduct.

The Court: Can't you read the books that correspond to the indictment and let him refer to the other parts. This jury gets so much of this reading material read to them that it ceases to have any effect on them, after a while.

Mr. Nelson: This is entered over my objection, your Honor. You concluded at the beginning that you were [fol. 1212] going to hold the first witness to the points that are set forth in the indictment. This man would read all the books found in our headquarters. I am objecting to the

introduction of all these books not mentioned in the indictment.

The Court: Objection by the defendant to the reading of these books is made, the objection is overruled and an exception is noted.

(End side bar.)

Mr. Cercone:

Q. Mr. Crouch, I show you Commonwealth's Exhibit No. 60, being entitled "A Letter to American Workers," by V. I. Lenin, and direct your attention to page 16 and ask you to read the excerpts from that page.

A. "For the class struggle in revolutionary times has always inevitably and in every country taken on the form of a civil war, and civil war is unthinkable without the worst kind of destruction, without terror and limitations of formal democracy in the interests of the war."

Mr. Nelson: Just a minute. That is objected to.

[fol. 1213] The Court: Objection overruled, exception noted.

Mr. Cercone:

Q. I show you Commonwealth's Exhibit No. 165, entitled "The Communist Party, A Manual on Organization," and direct your attention to pages 26 and 27, and ask you if you will read from those pages.

A. "We cannot imagine a discussion, for example, questioning the correctness of the leading role of the proletariat in the revolution, or the necessity for the proletarian dictatorship. We do not question the theory of the necessity for the forceful overthrow of capitalism. We do not question the correctness of the revolutionary theory of the class struggle laid down by Marx, Engels, Lenin and Stalin. We do not question the counter-revolutionary nature of Trotskyism.

"We do not question the political correctness of the decisions, resolutions, etc., of the Executive Committee of the C.I., of the Convention of the Party, or of the Central Committee after they are ratified."

Q. How was that explained in the class?

A. It was explained that in the Party we have discussion on the way in which to carry out Party decisions. We discuss a new problem until a decision has been made, but, there are some things we do not discuss in the Party. For example, it is unthinkable to discuss a question of inevitability, or rather to, or it is unthinkable to question inevi-
[fol. 1214] tability and the necessity of violence, armed insurrection to overthrow our capitalist government in the United States, and other countries; that we do not question anything in the writings of Marx, Engels, Lenin or Stalin insofar as the revolutionary theory of the class struggle is concerned, and that when the Executive Committee of the Communist International, the Convention of the Party, of the Central Committee of the Party of this country makes a decision the correctness of that decision is not a matter for discussion, it is a matter of carrying out those decisions.

Mr. Nelson: Your Honor, I move to strike the interpretation by the witness.

The Court: Your motion is refused. Exception noted.

Mr. Cercone:

Q. I refer your attention to page 122 of that book.

A. "The following methods have been used very effectively in many places and can serve as a model for exposing spies:

"1. Photograph the spy, and print his picture in the Daily Worker and in leaflets and stickers. Spread this material in the place where the spy was operating.

"2. Organize systematic agitation among the workers where the spy was discovered.

Q. Let me ask you, what is the Daily Worker?
[fol. 1215] A. The Daily Worker is the official daily paper of the Communist Party.

Q. And where is that paper published?

A. New York City.

Q. Now, I refer you to page 121.

A. I didn't finish.

Q. All right.

A. "3. Mobilize the children and women in the block in the part of town where the stool pigeon lives to make his

life miserable; let them picket the store where his wife purchases groceries and other necessities: let the children in the street shout after him or after any member of his family that they are spies, rats, stool pigeons.

"4. Chalk his home with the slogan: 'So-and-So who lives here is a spy.' Let the children boycott his children or child; organize the children not to talk to his children, etc."

Q. I direct your attention to page 121 of that Manual.

A. The paragraph "How Shall We Expose the Stool Pigeon?"

Q. That is the same paragraph. I direct your attention to page 119.

A. "How Shall We Safeguard the Party Organization Against Stool-Pigeons and Spies?

"The working class is constantly at War with its enemy, the capitalist class. In this war (class struggle), as in any other war, the capitalist class has one main objective—to [fol. 1216] defeat its enemy, the working class. In order to achieve this aim, the capitalists use all possible methods to disorganize, demoralize and divide the ranks of the proletariat. One of the most effective weapons in the hands of the enemy is the agent-provocateur, the stool-pigeon, the spy in the ranks of the working class, and especially in the ranks of the vanguard of the proletariat—the Communist Party.

"The activities of these human rats can be listed as follows:"

Q. Before you get into that, how was that word "enemy" explained in the class?

A. What paragraph.

Q. You started out there.

A. Oh, by "enemy" they refer to the American government as the capitalist government, and to the Courts, the police, the army, the public school system, and all agencies of the government are grouped in brief and frequently in part of the literature, as the capitalist class, referring to the government and all of its agencies.

Q. Now, you mentioned the agency of the Court. Is there anything taught in connection with the courts?

A. We always taught that the courts are instruments of

our enemy, the government; that all justice is class justice; that the Soviet Union has working class justice, proletarian justice, where those opposed to Communism are imprisoned and shot; that in the United States, and other capitalist [fol. 1217] countries, that the courts are, a part of the enemy governmnet apparatus, and that when members of the Party are before the courts, they should regard them as enemy institutions and take advantage of them, make propaganda speeches and carry on propaganda.

Mr. Nelson: I object to that your Honor. I move to strike that, your Honor, the man is now attempting to say——

Mr. Cercone: That is exactly what was taught in the classes.

The Court: Objection noted, overruled and exception noted.

Mr. Cercone:

Q. Now, what else did you say about that, the attitude toward the Court?

A. We said that in the courts that the—if any member were arrested that he should only give his name and address, and he talks with an attorney that would be sent to him by the Party, and given directions as to the procedure; that he is only to take the witness stand and testify under oath, only after a thorough discussion with a responsible Party of the Committees, or by authorization and instructions; that in the courts, however, he is to make speeches as far as possible, presenting as much of the Party's agitation material as he can. With the idea of getting publicity about the Party, and its slogans of the time and with the aim of [fol. 1218] probably recruiting some people who may be among the spectators in the court.

The Court:

Q. Are you reading from that book?

A. No, I am telling what we taught in the school.

Mr. Cercone:

Q. Did Nelson participate in that?

Mr. Nelson: It is just like a record, your Honor. You put a nickel in and it goes right around and around.

Mr. Cercone: Now, I ask that that remark be stricken.

The Court: Proceed.

Mr. Cercone:

Q. I direct your attention to page 124.

Mr. Nelson: Say the right thing again.

The Court: Now, Mr. Nelson, let us have no side remarks of a disparaging nature.

Mr. Nelson: Well, it is disgusting, your Honor, to see this go on.

The Court: You can develop that all you want on cross-[fol. 1219] examination.

Mr. Cercone: He doesn't want to hear anything that hurts the truth.

The Court: Well, no one does, Mr. Cercone.

A. Page 124, the final paragraph of the book: "Every Communist must become a leader of the workers. Every Communist must know that the Party has a historical mission to fulfill, that it has the mission of liberating the oppressed exploited masses from the yoke of capitalism, that it has the mission of organizing and leading the masses for the revolutionary overthrow of capitalism, and for the establishment of the new world, a Soviet America."

Q. Now, how did you explain that in your classes?

A. Well, we explained the seriousness of being a member of the Communist Party; that we—I am speaking of Nelson and myself, when we were fellow members of the Communist Party—were owners by being part of the vanguard of the workers destined to lead them to freedom and revolution; that through the revolution we were going to liberate the masses from the present system, and that we would establish a new world, a Soviet America, which would be part of the world Soviet.

Mr. Cercone: Your Honor, I am going to refer to the [fol. 1220] books that are in the indictment, and which Mr. Crouch already testified were used out there in the school on underground work, and restrict it to a few excerpts in each one.

Mr. Cercone:

Q. Now, I refer you to, "Foundations of Leninism," Mr. Crouch, and I refer you to pages 55 and 56, and will ask you to read excerpts therefrom.

A. "In a letter to Kugelmann (1871) Marx wrote that the task of the proletarian revolution is 'no longer as before, to transfer the bureaucratic military machine from one hand to another, but to smash it, and that is a preliminary condition for every real peoples' revolution on the Continent.' (Marx, Selected Works, Vol. II, p. 528.)

"Marx's qualifying phrase about the Continent gave the opportunists and Mensheviks of all countries a pretext for proclaiming that Marx had thus conceded the possibility of the peaceful evolution of bourgeois democracy into a proletarian democracy, at least in certain countries outside the European continent (England, America). Marx did in fact concede that possibility, and he had good grounds for conceding it in regard to England and America in the 'seventies' of the last century, when monopoly capitalism and imperialism did not yet exist, and when these countries, owing [fol. 1221] to the special conditions of their development, had as yet no developed militarism and bureaucracy. That was the situation before the appearance of the developed imperialism. But later, after a lapse of thirty or forty years, when the situation in these countries had radically changed, when imperialism had developed and had embraced all capitalist countries without exception, when militarism and bureaucracy had appeared in England and America also, when the special conditions for peaceful development in England and the United States had disappeared—then the qualification in regard to these countries necessarily could no longer hold good.

"Today, said Lenin, in 1917, in the epoch of the first great imperialist war, this qualification made by Marx is no longer valid. Both England and America, the greatest and the last representatives—in the whole world of Anglo-Saxon 'liberty' in the sense that militarism and bureaucracy were absent, have slid down entirely into the all-European, filthy, bloody morass of military-bureaucratic institutions to which everything is subordinated and which trample everything under foot. Today, both in

England and in America, the 'preliminary condition for every real people's revolution' is the smashing, the destruction of the 'ready-made state machine' (brought in those countries, between 1914 and 1917, to general 'European' imperialist perfection)." (Selected Works, Vol. VII, p. 37).

"In other words——"

[fol. 1222] Mr. Cerecne:

Q. Now, did Nelson use that book in the school, on underground work?

A. We both used it.

Q. And what use did he make of it and that excerpt?

A. We all explained that the possibility of a peaceful change to socialism in America had long ago disappeared, and we quoted *and* Lenin and Stalin as authority, and as Stalin pointed out in the next paragraph, of this book, that the law of violent proletarian revolution, the law of smashing state machinery is an inevitable law, in all the imperialist countries of the world, including the United States. It is inevitable. It cannot l avoided; that we must overthrow the Government by violent means and smash, not to change or capture the government, but smash and destroy the government and replace it by a new government, a Soviet government.

Mr. Nelson: I move to strike this elaboration put on by this witness.

The Court: Your motion is refused and an exception noted.

May I suggest now, isn't that the point you are trying to make on all of this literature, that the teaching at the school of peaceful evolution possibilities were gone, and that force and violence were inevitable to accomplish the [fol. 1223] purposes? Now, if that is the general proposition, then supported by these excerpts, without elaborating.

Mr. Cerecne: I would be willing to stop the reading now, but I would like to ask a qualifying question.

The Court: All right then, proceed. I was just trying to summarize, in some fashion, these excerpts supported that proposition.

Mr. Cercone:

Q. Now, Mr. Crouch, having been a member of the Communist Party for 17 years; and having held many major positions and posts in the Party, as you have enumerated at the outset of your testimony, including District organizer, organizers jobs in Tennessee and Southern states, and the District Bureau job covering California, Nevada and Hawaii, and being a member of the editorial staff of the Daily Worker, and all your activities throughout the Party, as you have enumerated them, just what is the aim and purpose of the Communist Party in the United States?

A. Will you read the question?

(Question read.)

Mr. Nelson: Your Honor, I object to that question.

[fol. 1224] The Court: Objection overruled, exception noted.

Mr. Cercone:

Q. You may answer the question.

A. The aim and purpose of the Communist Party, to give an answer *to* the shortest, simplest, possible terms, is to build the Party—is to build the Communist Party, and organizations around it, and under its influence, throughout the Country; to get its members in key positions so as to be able to help bring about conditions favorable for revolution, and when those conditions are achieved to lead, and the overthrow, the armed insurrection with the aid of the Red Army of the Soviet Union, the government of this country; of destroying the American government and all if its institutions—executive, legislative and judicial—of establishing a new government in the United States—a Soviet-America, a Soviet government—which would proceed to seize and nationalize the factories, the land, all instruments of wealth production, and also the buildings and most of the property of the country. Nationalize this; make it state property. Establish in the United States a dictatorship that is backed up by the American Red Army, and by the power of the Soviet Union and the Communist world behind it, until

all resistance in America is crushed and eliminated; a Socialist government established that would be the first step toward the ultimate Communist goal of a Communist society as stated by Marx and Engels.

[fol. 1225] The Court:

Q. Now, you say that is the policy, or that was the policy at a certain time?

A. This was the policy during the period of my 17 years of membership, and from my knowledge, by reading the Daily Worker of the Party press; by my every day work that required me to make a continuous daily study of its present aims, I know those to be the aims at the present time.

Q. In other words, you say they were when you were a member and you say they are now?

A. Yes.

Mr. Nelson: I move to strike.

The Court: Motion refused and exception noted.

Mr. Cercone:

Q. You have made a continual study of the Party at the time?

A. Yes.

The Court: Based on his qualifications that is his opinion as to what the policies were and are.

Mr. Cercone:

Q. Now, Mr. Crouch, you say that in January, 1942 you turned over the District organizers job to Steve Nelson, that is of Alameda County, California?

[fol. 1226] A. Yes, County organizer is the exact title.

Q. County organizer?

A. Yes, County organizer of Alameda County.

Q. And just what was the structure of that organization as you turned it over to Mr. Nelson?

A. The structure of that Party was a County with a membership of about 450 members of the Communist Party, with its units and with three types of sections. One, territorial section, such as East Oakland, West Oak-

land, Downtown Oakland, Berkley. 2nd, the sections on the basis of occupation and industrial section, as it was called, composed of members employed in the auto, steel, shipyards, and other industries there; one branch composed entirely in that section of C.I.O. officials who were members of the Communist Party; and the third was a special section, different in its structure in many respects from anything ordinarily existing in the Communist Party, composed of the following units: 1, a unit of government employees, Federal, State, County and municipal. Secondly, a unit of important professionals, attorneys, dentists and others. Third, the Merriman unit, composed of professors of the University of California. Fourth, a unit of the radiation laboratories of the University of California; and fifth, a unit at the Shell Development Project in Alameda County, California.

Q. Do you know what the purposes of those units were, since your were district organizer?

A. I know the general purpose.

[fol. 1227] Q. The units of the radiation laboratory and the Shell development?

A. Yes, I am acquainted with the general purposes.

Q. What were they?

A. Their general purpose——

Mr. Nelson: All this is being done against my objection. First of all, it goes back a good ways before the indictment and has nothing to do with sedition here.

The Court: Well, you better come forward a minute, gentlemen.

(At side bar.)

The Court: I have permitted general activities to be put in to form the basis of determination of intent, concerning the matter we are involved with. Now, I don't know whether you intend to go any further in to the general matters or not. If there are any specific instances that verge on the, let us say, criminal, which you are undertaking to charge against this man, this defendant, I am just wondering whether or not it is admissible.

Mr. Cercone: I want to show the nature and intent of the defendant.

[fol. 1228] The Court: You have already shown that, the nature of the organization and his connection with it, and his activities.

Mr. Cercone: It is part of this concerted venture, your Honor, and he was part and parcel of the organization—a vital part. That certainly would go to show intent. There is no question that things were done in this area.

Mr. Nelson: Am I being tried for things that this witness claims took place 12 years ago, or am I being tried for what happened here?

The Court: No, only insofar as that which indicates anything on your part within the last two years.

Mr. Cercone: I feel it is relevant to show knowledge and guilt of this man. His intense activity, not only as a leader in the Party but as to the details of the working of the Party. As District organizer he has had control and supervision of all the detailed activities in the area and knows all about them.

[fol. 1229] The Court: If I open the door to that, then you would be permitted to show every act of the organization out there.

Mr. Cercone: I am not going to go that far. This thing I am getting into now will be covered by four questions, and that is all there is to it.

The Court: It undertakes to demonstrate a commission, or an act of a serious criminal nature, without supporting the prosecution. It may be prejudicial.

Mr. Nelson: Since you may not be acquainted with this fact, that there were people who claim that there was certain wrong things done, and they made public statements in the House Committee on Un-American Activities on the floor, they did it without any chance of cross-examining them. It was admitted in that Committee that there was two successive Attorney Generals—I believe Clark and Biddle, and it was stated by Mr. Biddle that there was no evidence sufficient to warrant even undertaking an indict-
[fol. 1230] ment on the question. I am telling you that so that you may know that Mr. Cercone knows the prejudicial character of this situation and that is why he is raising it. There is all this notoriety around Berk-ley University. Everbody knows that some special research work went on

over there and there was a lot of notoriety created around this with intentions to make things more difficult.

Mr. Cercone: It is not prejudicial when it is the truth.

Mr. Nelson: It is hearsay. I can't argue this legally, your Honor.

Mr. Cercone: It is part of the conduct in this plan, your Honor.

The Court: These are points you should consider seriously before bringing them up in the record. I think maybe you should let me study over it before voicing a ruling. If you have anything on it I should be glad to consider. You may proceed on some other subject and I will give you my ruling on this in the morning.

[fol. 1231] (End side bar.)

Mr. Cercone:

Q. Now, you spoke as one of the policies of the Communist Party, while you and Nelson were on the District Board, was deciding about strikes and how they should be done. Was there any time while you and Nelson were members of the District Bureau that you actively participated in strikes?

A. We actively participated in controlling the strikes.

Q. How was that done?

A. We influenced the strikes. It was done in the case of the North American aviation strike at Inglewood, California by decision in the District Bureau, that the union leadership, headed by Windsor Mortimer of the Communist Party, should work for and try to bring about a strike at the North American Aviation plant, for the purpose of paralyzing the production of war planes for the United States and for Great Britain.

Mr. Nelson: I move to strike, your Honor. First of all, it is not in the area where he was, but in the other part of the State where I was supposed to have been.

The Court: Gentlemen, this matter, as well as the other matter we discussed, is rather within the same category. I think if you are going to proceed with specific instances [fol. 1232] of activity, and you have nothing else to elicit

from this witness, that you better reserve that until after a ruling of the Court on it. Now, if you haven't any generalities, the set up of the Communist organization, the purpose; the participation generally of the defendant—I have permitted that to be testified to, to reflect on the intent within a period of two years prior to 1950 when the defendant was first indicted here, or arrested. But, specific activities on the part of the defendant, that far removed, I am going to consider and advise you on on Monday morning. So, that if you have any more generalities as to the items I suggested—the organization, purpose, and so forth—you may proceed. Otherwise, I will recess at this time.

Mr. Cercone: Maybe we had better recess.

The Court: All right, recess until Monday morning at 9:30 o'clock.

[fol. 1233] Monday, January 7, 1952. 9:30 A.M.

Met pursuant to adjournment and the taking of testimony continues:

(At side bar):

Mr. Nelson: Your Honor, I wasn't prepared to make the right kind of motion when Judge Musmanno got through and I have to restate that motion. I thought it will be proper at this time.

The Court: Well, state it and we will see.

Mr. Nelson: I had a chance to look over the indictment and I noticed——

[fol. 1234] Mr. Nelson: Well, whatever matter that he obtained after July 19th, which was most of the books that he could have gotten anywhere or he could have bought them. Secondly I believe that to protect the record I believe you should—rather, not to clutter the record with stuff that's brought in beyond the date of the indictment I think it ought to be stricken; otherwise, anything can be brought in at all times and I believe it would be wrong, so I move that that material be stricken.

The Court: Let me see the indictment.

Mr. Nelson: I refer to the words I marked right there (indicating), starting with the words "On or about." He

testified that I did certain things after that date and I think it is proper to strike that.

The Court: You don't want to strike this part of the indictment. What you want to strike out is the testimony pertaining to anything after that date.

[fol. 1235] Mr. Nelson: Well; I haven't had the chance to compare whether those books were bought by him before or after. If they were bought after I think it would apply to that.

The Court: We will refuse the motion and grant you an exception.

Mr. Nelson: Then will the same motion apply to the exhibits and those——

The Court: Yes, that will include the exhibits as well as any testimony.

Mr. Nelson: Then, your Honor, I move for a mistrial on the grounds of what occurred last week here, where the prosecutor in this case, Mr. Lewis, received this——

The Court: —publicity in the Pittsburgh Post Gazette?

Mr. Nelson: Yes, on last Friday——

The Court: Of his installation as a Judge of the County Court?

[fol. 1236] Mr. Nelson: Yes. And, of course, on the same day in the Pittsburgh Press there was a story where you have a picture here (indicating) of Mr. Lewis going through the ceremony.

The Court: Well, it relates to the same thing and appears in each paper.

Mr. Nelson: That's right, and may I add this, that on Friday night here that the ceremonies had quite a wide effect here, some of the lady jurors got flowers from the ceremony over there, and I believe that that was absolutely unethical and wrong and has a sort of an effect on the jurors and is bound to make it prejudicial against me and favorable to the prosecution, so I move for a motion of mistrial on those grounds.

The Court: The motion is refused.

Exception noted.

Mr. Nelson: I want to repeat the same motion in connection with Judge Musmanno. There was other——

[fol. 1237] The Court: Relating to publicity and so forth?

Mr. Nelson: Right.

The Court: The motion is refused. Exception noted.

Mr. Nelson: Then, Your Honor, I want to correct the record on page 557, Your Honor. I handed you a petition of a lawyer by the name of Fleischer, but I didn't say that. I said "I hand you this." Of course, I'm not trained in this kind of procedure and the recorder just put down "I hand you this," so the record doesn't set forth what it was.

The Court: You mean it doesn't mention the petition?

Mr. Nelson: That's right. And you stated, "All right. I'll look this over and act on it later." So it doesn't stand out clearly just——

The Court: All right. We were referring to a petition. I [fol. 1238] acted on it, did I not?

Mr. Nelson: Yes. That's all, Your Honor.

The Court: I will rule on this matter, too, concerning the present witness. I will not permit him to testify as to any collateral facts that might impute to you or anyone else the commission of crimes beyond the statutory period.

Mr. Cercone: But the proof of these things in California was perfectly legal.

The Court: Oh, general participation in those things, but if you are going to go into anything——

Mr. Cercone: No, just activities of the Party.

The Court: Just activities of the Party, and if there is nothing relating to the commission of crime that's all right, but I'll not permit you to show the commission of any crimes on the part of Nelson or any of his associates.

[fol. 1239] Mr. Cercone: I agree with you there.

Mr. Nelson: Your Honor, I object to having this witness testify on these matters. These are beyond the date of this trial here. Whatever he testifies to, even if it were true, deals with a period of ten years ago and I believe it's just an effort on the part of the Prosecution to accumulate these prejudicial remarks that have no meaning whatever at this time and is for the purpose of prejudicing the jury to try to get a verdict of guilty on the basis of that kind of testimony.

The Court: All right. We will note your objection.

(End of side bar.)

[fol. 1240] Paul Crouch, recalled, resumed his testimony as follows:

Direct Examination (Continued):

Mr. Cercone:

Q. Mr. Crouch, before the recess on Friday you testified as to attending meetings of the Central Committee of the Communist Party in New York and also the conventions of the Communist Party in New York, together with the meetings of the District Committee for the Districts of California, Nevada and Hawaii, at which places the defendant also attended. Now, will you just tell us briefly what the method of meeting was in those places?

A. The——

Mr. Nelson: I object to this, the thing is vague, it's a loaded question. What meetings? "These" meetings. I insist there be times and places put down when he asks a question. Mr. Cercone ought to know better how the question should be.

The Court: Well, each meeting may have been called in a different fashion, or the proceeding conducted in a different fashion. I think it would be better to be more specific as to what meeting you are talking about.

[fol. 1241] Mr. Cercone: The only reason I formed it in that way, Your Honor, is to abbreviate this. I would have to go through every meeting and it would take a long time.

Mr. Nelson: Furthermore, these meetings are away beyond the date of the indictment.

The Court: Well, I understand that and we have ruled on that.

The Court: All right, start with your——

Mr. Cercone:

Q. Start with the Central Committee meetings in New York where Nelson was in attendance?

A. The Central Committee meetings were called on dates of which only the Party leadership, those called in attendance were notified. I received my notices by mail sent through secret channels and with the dates in code. The meetings were held in various rented halls in different parts

of New York City, sometimes Webster Hall, Manhattan Lyceum, and various other places, Center Hotel, were among the places where those halls were rented from time to time. We were given badges, or admission cards with numbers for admission to the meetings, and only Party members, [fol. 1242] Party leaders, such as members of the Central Committee, District Organizers, Editors of the Party Press were admitted.

Q. Now, just briefly, what was discussed at those meetings?

A. Very briefly, the aims and purposes of the Party and the means for achieving them, the task—the things the Party should do to achieve its objectives.

Q. About how many of those meetings did you attend with Nelson, in number?

A. Of the Central Committee?

Q. Yes.

A. I would estimate anywhere from 15 to 25.

Q. And how many of those meetings of the Conventions of the Communist Party did you attend where Nelson was present?

A. Three or four, I would say, to the best of my recollection.

Q. Now——

Mr. Nelson: Your Honor, if you permit a standing objection to this, I don't want to make them at the time he puts a question.

The Court: Well, I'm not permitting you—not assuming an objection to every question. You have objected to——

Mr. Nelson: Well, because Judges rule——

[fol. 1243] The Court: You have objected to his testifying to anything concerning these meetings and we have overruled that, and we will, if you wish, apply that objection to these questions relating to the particular meetings.

Mr. Nelson: All right.

Mr. Cercone:

Q. Now, when your meetings for the District Committee of California, Nevada and Hawaii were held, how many did you attend where this defendant was present?

A. Approximately about 30.

Q. About 30?

A. Of the District Bureau of California, and several meetings in addition to Bureau meetings of the full District Committee.

Q. Now, at any of these meetings, the meetings of the Central Committee, the meetings of the Convention, and the meetings of the District Committee for California, Nevada and Hawaii, where Nelson was present, and you state that was anything ever said about peaceful means of change in our government?

A. Never——

Mr. Nelson: This is objected to. He is putting words in the witness' mouth, he's leading him.

[fol. 1244] Objection sustained.

Mr. Nelson: He knows better.

Mr. Cercone:

Q. Now, in California—in the Districts of California, Nevada and Hawaii, what decision was made by the District Committee of which Nelson was—this defendant was a member, in May and June of 1941?

A. The stations to—that the Alameda and the other counties should increase their purchase of mimeograph supplies, paper, ink and stencils to keep in reserve for underground use——

Mr. Nelson: This is objected to. He is giving his opinion instead of testifying to facts.

The Court: Well——

Mr. Nelson: He says "for underground work" and there was no reason for him saying that.

The Court: I don't think we can—we need go into particular activities; it's the general activities of the organization, the extent to which I am permitting any questioning on the background here, Mr. Cercone. The purchasing of supplies [fol. 1245] and so forth, that sounds too particular.

Objection sustained.

Mr. Cercone:

Q. What else was done during the months of May and June 1941?

A. The stations regarding certain strikes in the district —in the State of California——

Mr. Nelson: Objection, Your Honor.

The Court: Yes, objection sustained. General activities, you can——

Mr. Nelson: Oh, Your Honor, what are we going to do here——

The Court: Excuse me just a minute. Last Friday we permitted you to ask concerning the general activities. He participated in strikes, he participated in educational labor disputes, I should have said; he participated in religious, educational and all those other phases of life in California. Now, I think to let you go to show the details of all of that is beyond the realm of this—the purpose of this witness. [fol. 1246] Now, unless you want to come forward and show me an offer, or offer to prove something that is admissible I will have to sustain the objection on particularities here.

Mr. Cercone: The only reason for that, Your Honor, is to show the activities of the Party at that time.

The Court: Particular activities, no. If we get into everything the Party or members of the Party did out there we'll be here until next year.

Mr. Cercone: Well, if we can't show the particular things we'll just have to show——

The Court: Well, he has testified to the generalities.

Mr. Cercone: Well, all right.

Mr. Cercone:

Q. Now, Mr. Crouch, I show you a bundle of petitions here called "World Peace Appeal," found in the headquarters of the Communist Party. Are you familiar with those? [fol. 1247] A. Yes, I am.

Q. And what are they?

A. They are what is generally known as The Stockholm Peace Petition, circulated by the Communist movement throughout the entire world.

Mr. Nelson: I object, Your Honor. This material was published in the last two years. Now, the witness is testifying——

Mr. Cercone: I think this should be brought out on cross examination. I think we have a right to ask what this is, it was found in the headquarters.

The Court: I don't know what it is. Is it marked as an exhibit?

Mr. Cercone: There was an exhibit marked on this when Mr. Lewis was examining Judge Musmanno and I think he has it in another folder, but these are copies of that exhibit.

The Court: Well, have they been identified by Judge Musmanno as being found——

[fol. 1248] Mr. Cercone: Yes, he identified these.

Mr. Nelson: Well, if they were identified what is the purpose of having this witness bring it in?

Mr. Cercone: He is just another witness who can testify about there being——

Mr. Nelson: These were picked up in Pittsburgh and he comes from California.

The Court: If they are in evidence which—what do you want to prove by them, Mr. Cercone?

Mr. Cercone: I want to show Mr. Crouch's familiarity with them and have him explain to us the purpose of the petitions.

The Court: Oh, the petition speaks for itself.

Mr. Cercone: No, it doesn't. That's just it.

Mr. Nelson: Why don't you pass copies out to the jurors and let them look at them?

[fol. 1249] Mr. Cercone: We'll do that, don't worry. You direct all your remarks to the Court, don't talk to me about it.

The Court: The extent to which I will permit this witness to testify is whether or not during his association with the defendant these same petitions were used. Now, if you want to testify to that, why, I'll permit it.

Mr. Cercone: Those petitions were issued during the period of the indictment, your Honor.

The Court: Well, then, come forward and explain to me what purpose you have in asking this witness concerning them.

(At side bar):

Mr. Cercone: These are allegedly peace petitions calling for the abolition of the atom bomb, but they are not really calling for that. The reason for them is to have the American Government do away with the atom bomb while the Russian Government continues building its arms. I [fol. 1250] mean it is just a matter of putting something over on the American public.

The Court: What has this witness got to do with them?

Mr. Cercone: He studied these, went into them in his position in Washington; he kept up with the Communist literature. That's the important thing about it.

Mr. Nelson: May I make an objection to this, your Honor?

The Court: Yes.

Mr. Nelson: I can see why Mr. Cercone wants to introduce them. If that's the interpretation he wants to put on them——

The Court: Well, you objected to it and the objection is sustained.

(End of side bar)

Mr. Cercone:

Q. Now, Mr. Crouch, you testified that while you were [fol. 1251] District Organizer of Alameda County, and also a member of the District Committee, for the districts of California, Nevada and Hawaii, you had under you certain groups of members of the Communist Party, who were working in the radiation laboratory of the University of California——

Mr. Nelson: I object to this——

Mr. Cercone: Just a minute——

The Court: Go ahead with your question.

Q. (continued) And also in the Shell Development Company. Just what period was that in effect there while you were——

A. May 1st——

Mr. Nelson: I object, your Honor.

Objection overruled

A. May 1, 1941, until Steve Nelson succeeded me during the first week of January 1942.

Q. And do you know what the purpose of these groups were at that time?

The Court: Don't answer that.

A. What is the question?

[fol. 1252] The Court: Don't answer that.

The Court (to Mr. Nelson): Do you want to object to that?

Mr. Nelson: Certainly.

Objection sustained.

Mr. Nelson: I think on the same grounds, your Honor, the other ones should be stricken.

The Court: The objection is sustained.

Mr. Cercone:

Q. I show you a copy of the Constitution of the Communist Party, which, I believe, is Commonwealth's Exhibit 16, and I see in that Constitution the terms "Scientific Socialism". Now, Mr. Crouch, will you give us the definition of that as accepted by the Party members?

Mr. Nelson: Object, your Honor. This witness is a biased witness. He can't interpret my views——

Objection overruled. Exception noted.

[fol. 1253] Mr. Nelson: Are you going to allow him to testify to opinions, your Honor, and not give evidence?

The Court: We have permitted him to testify as to the interpretation placed on these by associations with which you and he were associated at that time. That's what I understand he is giving now; not his own personal opinion but that which was applied to it by the group.

Mr. Nelson: This witness has a reason to twist my ideas.

The Court: That may be, and you can point that out to the jury, but the credibility of this witness is for the jury, Mr. Nelson, and you can attack him on credibility all you want, but he is privileged to give it.

A. What is the question?

Mr. Cerecne:

Q. What was the interpretation placed on that term as generally accepted by the Party members?

[fol. 1254] The Court: "Scientific Socialism."

A. "Scientific Socialism" as pointed out in Engles' "Socialism, Utopian and Scientific", is the term meaning the principles for the revolutionary overthrow of the existing system.

Mr. Nelson: I move to strike that, your Honor.

Motion refused

Exception noted

Mr. Cerecne:

Q. And is that term referred to in any other works of the Communist Party?

A. It's referred to in most works of the Communist Party. It is one of the most extensively used terms.

Q. Particularly in which volume, if you know?

A. Oh, the use of "Scientific Socialism" is used both in this "Socialism, Utopia and Scientific," it's used through the collected writings of Lenin, it's used throughout—and Stalin in "Problems and Foundations of Leninism", and most of Stalin's writings, most of the literature published by the Party use it.

Q. Now, you referred to the book called "Socialism, Utopian and Scientific" by Frederick Engels——

(Commonwealth's Exhibit No. 170 marked for the purpose of identification:)

[fol. 1255] Mr. Cerecne:

Q. I show you a book entitled "Socialism, Utopian and Scientific," by Frederick Engels, and marked Commonwealth's Exhibit 170, and direct your attention to pages 25 and 26——

The Court: Oh, you will have to tell us more about it before you read from it or offer it.

Mr. Cercone:

Q. What is this book?

A. This is a book written by in the last century by Frederick Engels, the associate of Marx, in which he discusses the whole nature of Socialism. He discusses the earlier Utopian views, what was called Utopian Socialism by Owens and Furrier, and the other ones who wanted to establish Socialism through various artificial means, through colonists, and he presents what he calls "Scientific Socialism", in answer to this, the views of himself and of Marx.

The Court:

Q. What has it to do with this defendant—

Mr. Nelson: I move to strike, your Honor.

Motion refused. Exception noted.

[fol. 1256] Q. What has it to do with this defendant?

A. This book was used by Mr. Nelson and myself and all of our associates in the Party leadership throughout the period we were working together, to explain what Scientific Socialism is to the fellow members of the Party.

Mr. Cercone:

Q. Now, in the Constitution there is also a term "Marxism-Leninism." Will you define that term as generally accepted by the members of the Communist Party?

A. Marxism-Leninism is the way in which the Party briefly describes all the principles of Marx and Lenin for the overthrow of the present system and the establishment of a Dictatorship of the Proletariat and the means by which it will be done.

Mr. Nelson: I move to strike. That's an opinion.

The Court: Yes, it is an opinion and the jury understands that, but he is privileged to give opinions since he has qualified himself as apparently an expert on these matters, or at least one who has studied the situation and can enlighten us on it. The motion is refused.

Exception noted

[fol. 1257] Mr. Cercone:

Q. Now, Mr. Crouch, you have been using terms during this testimony such as "bourgeoisie" and "proletariat". Suppose you would clarify the definition of those two words "bourgeoisie" and "proletariat" as generally accepted by the members of the Communist Party; that is, the meaning of those terms?

Mr. Nelson: Object, your Honor.
Objection overruled. Exception noted.

A. "Bourgeois" as we use it in the American Communist Party was applied as a synonym to what is generally known as the American way of life, meaning private ownership of property, the existence of religion, the existence of the present Government——

Mr. Nelson: I object to this, your Honor. He is making a speech away beyond this so-called class in English he's going to conduct here.

The Court: Well, he is giving us his opinion as to what "bourgeoisie" means in the United States.

[fol. 1258] Mr. Nelson: Well, what has it got to do with the points he drags in later, your Honor?

The Court: He said it includes all those phases.
Objection overruled
Exception noted

A. Where was I? What was the last——

(Testimony read)

A. (continued) The word "bourgeois" coming from French origin of the middle or upper classes and generally used to denote those who own property or means of production and which is associated in the Communist literature with the present existing government in the United States.

Mr. Nelson: I move to strike that, your Honor.
Motion refused. Exception noted.

Mr. Cercone:

Q. And the term "proletariat"?
A. "Proletariat" is used in the sense of meaning the

working class, and more specifically it is generally associated with what we call the background of the working class, the Communist Party and those workers who accept the program of the Communist Party for its real practical use; technically it is used in the sense of the working class.

Mr. Nelson: Objection, your Honor.
Objection overruled
Exception noted

Mr. Cercone:

Q. Now there is—you say in that term "bourgeois" is included the attitude of the Communist Party toward religion?

A. Yes.

Mr. Nelson: Object, your Honor. He is putting words in the witness' mouth.
Objection overruled.

Mr. Cercone:

Q. What is that attitude, very briefly?

Mr. Nelson: Well, I object, your Honor.
The Court: Objection sustained. It is repetitious.

Mr. Cercone:

Q. Now, Mr. Crouch, during these Committee meetings, [fol. 1260] Central Committee meetings and Convention meetings where Nelson was present, was the in your discussion was the City of Pittsburgh ever discussed at those meetings?

Mr. Nelson: Object, your Honor. The meetings ought to be placed and fixed —
Mr. Cercone: In regard to the aims and policies of the Party?
The Court: Be specific. What meeting was it discussed at and —
Mr. Cercone: In New York.
The Court: Where was it held?

Mr Cercone:

Q. Held in any of those Halls that you mentioned in your previous testimony, in any of those meetings where Nelson and you were present?

Mr. Nelson: That's a kind of a wide range there, your Honor.

The Court: Well, he is being asked the question [fol. 1261] "Yes" or "No" was it ever discussed at any of them? Then he will have to tell us what meeting it was, when it was held and what was said, and whether you were present.

A. Yes.

Mr. Cercone:

Q. And when was that?

A. At most of the Central Committee meetings we attended together.

Q. And what period would that cover?

A. From the time I met Nelson around the end of '34 or early in '35, as near as I can recall the date, until I went to California—until I went to California in the Spring of 1941.

Q. And what was discussed at these meetings concerning Pittsburgh—permit me to state, except for the period of perhaps a year that Nelson was absent from the United States in the Spanish Army.

Mr. Nelson: I move to strike, your Honor.

The Court: Well, we don't know when that was. He's getting too specific here.

Mr. Nelson: First of all, he is giving answers to questions that can't possibly be connected with the way Mr. Cercone [fol. 1262] puts them. He weaves in anything.

Mr. Cercone: This is important to show a course of conduct.

The Court: Oh, we have gone into course of conduct in general clear across the United States now. I don't see any purpose in localizing it. There is only one reason that I see that the question might be important, that is whether or not these policies of the Communist Party

as you describe them were applicable to the State of Pennsylvania and the United States of America. You talk about these things and the only question that's relevant here is whether or not these people who were discussing these philos-phies and so forth applied them to the United States and to the State of Pennsylvania, so far as this indictment is concerned. Now, in a general way, if you want to ask the witness whether they were ever so applied, you may, but beyond that, no.

Mr. Cercone:

Q. Mr. Crouch, were the principles of the—were the [fol. 1263] aims and policies of the Communist Party ever applied to the United States and to the State of Pennsylvania?

A. They were applied to the entire United States and to the western part of Pennsylvania to a far greater degree that the average.

Mr. Cercone: Now, your Honor, I think it is important to——

The Court: He has answered. All beyond that I will sustain an objection.

Mr. Nelson: I move to strike his answer, your Honor.

Motion refused

Exception noted

Mr. Cercone:

Q. Since you have left the Party, Mr. Crouch, have ever seen Steve Nelson, that is, before this trial?

A. Yes, I have.

Q. Where did you see him?

A. After I left the Communist Party, Steve Nelson——

The Court:

Q. When did you leave, again?

[fol. 1264] A. I left in early 1942. During the latter part of 1942 and during 1943 Steve Nelson visited my home in Oakland, California, on a number of occasions. Then I saw him in September 1946 on the ninth floor at 35 East 12th

Street, New York City, the National Headquarters of the Communist Party, in the office of Henry Winston, the organizational secretary. And then I saw him last April and May during a previous trial in this court room.

Q. What was the occasion of those meetings——

Mr. Nelson: I object to this, your Honor.

Objection sustained.

Mr. Cercone: As to what question, your Honor?

The Court: Well, we will certainly sustain the objection to anything that was done in this court room last year. Limit your question and we'll see what you want to elicit.

Mr. Cercone:

Q. You say you——

Mr. Nelson: I think, your Honor, on the basis of that motion I ought to make a motion for a mistrial.

[fol. 1265] Motion refused.

Exception noted.

Mr. Cercone:

Q. Now, you say you met this defendant in 1942 and 1943 after you had left the Party?

A. Yes.

Q. What were the occasions for those meetings?

A. The occasions were visits of Steve Nelson to my home for the purpose of getting me to return to the Communist Party.

Q. And what was said by Nelson at that time, very briefly?

A. "That we don't allow a person who has been a leader like you have to leave the Communist Party. You have to return to membership."

Q. Now, during the period from August 31, 1948, to August 31, 1950, were you familiar with the leading officials of the Communist Party in the major districts throughout the country?

A. I was familiar with who they were and where they were.

Q. And how were you familiar with that?

A. Through my work with—through my constant official work with Government agencies and my duties part of this time as an official in the State of California.

Q. Did you know who the District Organizer of California was during this period?

A. Yes.

Q. Who was it?

A. William Schneiderman.

[fol. 1266] Q. And of the State of Florida?

A. George Nelson.

Q. And of the State of Maryland?

A. Phil Frankfeld.

Mr. Nelson: I object to this, your Honor. I don't know what this has to do with this.

Objection sustained.

Mr. Cercone:

Q. And the State of—of Western Pennsylvania, that is, during that period?

The Court: What period again was it?

Mr. Cercone: August 31, 1948, to August 31, 1950.

A. Steve Nelson.

The Court:

Q. What was his official capacity here?

A. Chairman of the Communist Party of Western Pennsylvania.

Mr. Nelson: Well, your Honor, is this the way the Prose-[fol. 1267] cution is going to identify me, by having someone who saw me ten years ago come here and identify my activities and state what they were? Is that what the Prosecution is going to do, or be permitted to do?

Mr. Cercone: All right, you cross examine him.

The Court: Yes, I think it's within his right if he's acquainted with the fact. Now, you can determine whether or not he does have sufficient knowledge to justify such a statement. He said he does, that he was an officer, not of the Party but outside the Party, that he investigated

these matters and that he determined that fact, and I think it is within his right to testify.

The Court: Cross examine.

Mr. Nelson: Well, your Honor. I would like to have at least until the early afternoon to take a little time out to prepare to cross examine this man. I haven't got the record yet of his testimony. I know there's very important conflicts between his testimony here——

[fol. 1268] Mr. Cercone: I object to these speeches——

Mr. Nelson (continued): —and what he testified to today——

The Court: I can't grant you a recess at this time, Mr. Nelson. I'll have to ask you to proceed. We aren't ready for the usual recess this morning because we have just started.

Mr. Nelson: I know, but the witness has just finished and I haven't got the record of the testimony. I want to see if it's available now. I didn't know he was going to get through this fast.

The Court: Well, if you did like I was doing, and your wife is making notes for you, you certainly have a lot of data you can interrogate him about.

Mr. Nelson: I would like to have a little time——

The Court: Well, I'll recess at this time to afford you [fol. 1269] that opportunity. We will recess until eleven o'clock, that will give you fifteen minutes to collect your thoughts on it.

Recess.

After recess.

Paul Crouch, recalled, resumed his testimony as follows:

(At side bar):

Mr. Cercone: Just anticipating the kind of cross examination here by what went on at the last trial, there was an extended examination on the fact that the witness has been a witness in several trials and on the amount of money he made. I think that ought to be restricted, just as we have been restricted in the Commonwealth's testimony.

The Court: If he's a professional witness, that may be brought out, if the defense wants to bring out he's a paid witness.

[fol. 1270] Mr. Cercone: That's all right but I don't think, your Honor, he should go into the other cases.

The Court: How many cases he has testified in may be asked——

Mr. Nelson: I think I ought not be restricted on that. I object to any restriction on that. The man is testifying under oath——

The Court: We will permit you to go to great lengths to demonstrate he is a biased, prejudiced and paid witness, but we are not going to try any other cases here.

Mr. Nelson: I would like to go into the question whether this man testified, if it becomes necessary, conflicting testimony that he gave.

The Court: You can ask him about anything he said contrary to what he said here, but I'm not going to let you go into the trial of other cases. If he said something contrary to what he said here, certainly you may develop [fol. 1271] that fact.

Mr. Nelson: Well, I don't intend to try other cases. I only want to show he's a paid witness, a biased witness, and that he's employed just like a man cleaning a sewer and he gets paid for it. This man gets paid for testifying——

Mr. Cercone: I object to him making statements in his questions that——

The Court: This is cross examination and he has a right to make statements that on direct would be considered leading, but on cross examination may be proper.

Mr. Cercone: I don't mean of a leading nature. I'm talking about making statements outside of the scope of the question.

The Court: If he attempts to testify himself, certainly I'll restrict him, but as long as it is a legitimate question——

Mr. Cercone: Part of it may be legitimate and part of [fol. 1272] it not.

The Court: Well, we will have to rule on it when it comes up. We will tell Mr. Nelson to try to limit his

cross examination to direct questions rather than making a statement himself, or arguing with the witness, but certainly to some extent he is entitled to ask the witness whether this isn't so, or whether he didn't testify outside on some other case. Let's proceed and we will rule on it as the occasion requires.

(End of side bar).

Cross-examination.

Mr. Nelson:

Q. Where do you live?
A. Washington, D. C.
Q. Address?
A. Is it necessary——

The Court: Answer the question.

A. 13 Bayard Boulevard, Washington, D. C.
Q. What is your present job?
[fol. 1273] A. Consultant for the Immigration and Naturalization Service of the Department of Justice.
Q. Consultant?
A. Yes.
Q. That's a fancy name for a stool pigeon, isn't it?

Mr. Cercone: Object to that——

The Court: Now, now, now—we agreed not to argue with the witness and we agreed not to make statements, Mr. Nelson, so you can apply that term to him in your argument to the jury, if you wish, but not during this period of cross examination.

Mr. Nelson:

Q. What was the job you held before you got this job as Consultant, is it?
A. I stated that my last paid salaried job was for the State of California.
Q. For the State of California. And when was that?
A. That was in 1950.
Q. 1950. I see. What was the job you had before that?
A. With the Miami Daily News.

Q. During what period was that?

A. During the—in 1944 I was—owned the.—I was em-
[fol. 1274] ployed by the Miami Daily News throughout 1949, took a leave of absence part of the time.

Q. While you were in the State of Florida during 1949, did you testify in any cases at the time in the State of Florida?

A. In the State of Florida I have no recollection of testifying. I testified out of Florida, but as to testifying in Florida I have no recollection.

Q. I see. How did you get the job in the Immigration Department? Through whom?

A. I applied to the Central Office of the Immigration and Naturalization Service.

Q. I see. And who hired you?

A. The final hiring was done by the Deputy Attorney General, Mr. Peyton Ford.

Q. I see. Mr. Caudle, your pal from California—North Carolina—didn't have anything to do with your hiring, did he?

Mr. Cercone: These statements by the defendant are——

The Court: We will strike out "Your pal from California". Ask him if he knows——

Mr. Nelson: ——

Q. I mean North Carolina.

A. What is the question before me? Read the question as
[fol. 1275] it is phrased now.

The Court:

Q. Did Mr. so-and-so have anything to do with your hiring?

A. I didn't get the name. What was the name?

(Question read)

Mr. Nelson:

Q. Don't tell me you don't know the name——

Mr. Cercone: This is objected to.

Objection overruled

A. I never met Mr. Caudle and I doubt if Mr. Caudle knows of my existence. I didn't know of his existence until I read about it in the newspapers.

Mr. Nelson:

Q. How long have you been employed by the Department of Immigration now?

A. About six months.

Q. Six months?

A. Approximately—since starting in August last year.

Q. Have you testified at a number of trials for the Im-
[fol. 1276] migration Department?

A. I—if you will state what you mean by "trials"; the only kind of trials in a legal sense——

Q. Let us say trials and hearings where you testified under oath?

A. I testified at one trial for the Immigration and Naturalization Service in California, at a civil trial, and I testified in about fourteen administrative hearings.

Q. Can you name any of the cases in which you testified?

A. Alexander Biddleman, a member of the Central Committee of the Communist Party, a native of Russia; George Siskin, brother of Beatrice Siskin who went to Lenin's School—went to the Lenin School with you——

Mr. Nelson: Objected to, your Honor.

The Court: Oh, yes, don't elaborate. Just name the trials.

Mr. Nelson:

Q. I am asking you for the trials and places.

A. Betty Gannett, National Educational Director of the Communist Party in New York.

The Court:

Q. Where were the first two trials, the Biddleman and Siskin?

A. They were all——

Q. All in New York?

[fol. 1277] A. Those were all in New York.

Q. All right.

A. And I testified at a case involving Mr. Blackfield and others associated in the cases in Seattle, Washington; in a case involving a Hindu, a Mr. Chandra, who sued the Immigration Service——

Mr. Nelson:

Q. I didn't ask you that. Give the name and place, that's all I asked you.

A. Sacramento, California, Mr. Chandra; certain cases, I don't recall the names, in Los Angeles, California, and Portland, Oregon.

Q. So that your job as an Analyst, or Consultant, rather, means using your finger as your tool—right—when you go to these trials and say so-and-so and thus-and-thus, that's your job, is that it?

A. None of those cases have taken place since my employment with the Department of Justice.

Q. I see. You started away back—right?

A. I first offered my services to the Federal Government in fighting subversive forces threatening our nation early in 1948, about January, as I recall it.

Q. Now, in these cases that you testify, since you seem to be so anxious to tell us about, you get paid for testifying, don't you?

[fol. 1278] A. In the majority of the hearings at which I testify——

Q. I am asking you, do you get paid for testifying?

A. I'm answering the question——

Q. All right.

A. The answer is, the majority of the—I would say in a little over half of the cases I have testified I received no pay except per diems, as low as $3.00 per day and as high as $9.00. In cases where I have been called by the Immigration and Naturalization Service and any testimony before a Control Board in Washington requiring considerable time, I was paid the amount authorized by Act of Congress for expert witnesses, $25.00 per day and up to $9.00 expenses.

Q. $25.00 per day

Mr. Cercone:

Q. That was in one case, you say?

A. I said in the cases involving the Immigration Service